Washington, Friday, December 2, 1955

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I-Civil Service Commission

Part 1—Coverage and Definitions

PART 2—FILLING COMPETITIVE POSITIONS

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

PART 9—SEPARATIONS, SUSPENSIONS, AND DEMOTIONS

Part 11—Special Transitional Authorities

PART 22—Appeals of Preference Eligibles Under Veterans' Preference Act of 1944

MISCELLANEOUS AMENDMENTS

The amendments and additions to Parts 1, 2, 6, 9, 11, and 22, as set out below, have resulted from the issuance of Executive Order 10641 of October 26, 1955.

1. Paragraph (dd) is added to § 1.102 as follows:

§ 1.102 Definitions. As used in Parts 1 through 11 of the regulations in this chapter, the term: * * * (dd) "Overseas" means outside the

(dd) "Overseas" means outside the continental limits of the United States, but not in Alaska, Hawaii, the Isthmus of Panama, Puerto Rico, or the Virgin Islands.

2. Part 2 is amended as set out below.

§ 2.105 Restriction as to members of family. * * *

(b) The members of family restriction shall not apply to temporary appointment, to overseas limited appointment under § 2.308, to appointment in rare cases under § 2.305, or to conversion from career-conditional appointment to career appointment.

§ 2.204 Certification for appointment.

(b) Selective certification. When there is no register appropriate as a whole for certification for filling a particular position, there may be certified selectively from the most nearly appropriate existing register the names of eligibles who are qualified for the particular position. Such eligibles shall be certified in the order of their ranking. The Commission may, when appropriate, rerate the eligibles on the register on the

basis of the particular requirements of the position. Special overseas selection factors may also be used as a basis for selective certification from registers used for filling overseas positions.

§ 2.205 Selection from certificates-(a) Order of selection. An appointing officer shall, with sole reference to merit and fitness, make selection for the first vacancy from the highest three eligibles available for appointment on the certificate. For the second vacancy, he shall make selection from the three highest unselected and available eligibles on the certificate. Each succeeding vacancy shall be filled in like manner. An appointing officer shall not be required to consider any eligible (1) who has been considered by him for three separate appointments from the same or different certificates for the same position, or (2) to whose certification for the particular position he has made an objection which has been sustained by the Commission for any of the reasons stated in § 2.106. The Commission may also sustain an objection to certification of an otherwise qualified eligible for an overseas position on the basis of special overseas selection factors.

§ 2.302 Temporary appointment in absence of eligibles. * * *

(e) Restrictions. The restrictions of § 2.502 (b) through (j) on promotion shall be applied to temporary appointments under this section within one year after separation from any nontemporary appointment.

§ 2.308 Overseas limited appointment—(a) Authorization of appointment. Where it finds such appointments are in the public interest, the Commission may authorize agencies to make overseas limited appointments without competitive examination, to overseas positions in the competitive service.

(b) Appointment of United States citizens recruited overseas. The Commission hereby delegates to agencies, subject to prior agreement between the agency and the Commission, authority to give overseas limited appointments to United States citizens recruited overseas, unless there is an adequate and appro-

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	an examination held in the lo	cality

where the vacancy exists.

(c) Appointment of citizens recruited in the United States. When the Commission determines that unusual or emergency conditions exist so that it is not feasible to appoint from a civil service register, it may authorize agencies to give overseas limited appointments United States citizens recruited within the continental limits of the United States.

(d) Duration of appointment. (1) Persons appointed to continuing positions under this section shall be given overseas limited appointments of indefinite duration.

(2) When there is work of a temporary nature at the completion of which the services of an additional employee will not be required, overseas limited appointments shall be made for periods not to exceed one year. Such appointments, when made for periods of less than one year, may be extended for a period or periods not extending beyond one year from the date of the initial appointment.

(e) Status and trial period. Persons appointed under this section shall not thereby acquire a competitive status. They shall be required to serve a trial period of one (1) year when given overseas limited appointments of indefinite duration.

(f) Requirements and restrictions. The requirements and restrictions in § 2.302 (c) (d) and (e) shall be applied to all appointments under this section.

(g) Salary step increases. Employees serving under overseas limited appointments of indefinite duration in positions within the scope of the compensation schedules of the Classification Act of 1949, as amended, shall be eligible for periodic step increases in accordance with Subpart A of Part 25 of this chapter.

§ 2.501 Agency authority—(a) Position change. The Commission hereby delegates authority to agencies: * * *

(3) To promote, demote, or reassign employees serving under overseas limited appointment of indefinite duration to other positions to which initial appointments under § 2.308 are authorized.

§ 2.502 Restrictions on position change or transfer to a higher grade or different line of work. * * *

(b) Applicability of restrictions. (1) The restrictions on promotion in the following paragraphs shall also apply to transfer to a higher grade and appointment and reemployment at a higher grade within one (1) year after separation from any nontemporary appointment.

3. Section 6.101 (h) is amended as follows:

§ 6.101 Entire executive civil serv-

(h) Any position in a foreign country, or beyond the continental limits of the United States, when in the opinion of the Commission, appointment through competitive examination is impracticable, except as provided in paragraph (i) of this section, and except: Positions in Alaska, Hawaii, Puerto Rico, and the Virgin Islands; in the Immigration and Naturalization Service, all positions in Canada and Mexico, and continuing positions at GS-7 and above in Cuba; positions in the Bureau of Customs, Treasury Department, in foreign countries: General Accounting Office positions in foreign countries; positions in the International Field Offices of the Civil Aeronautics Administration, Department of Commerce; technical positions in foreign countries in the Internal Revenue Service, Treasury Department; positions in the Department of Defense, Army, Navy, and Air Force.

Note: The provisions for positions in the Departments of Defense, Army, Navy, and Air Force, is effective April 1, 1956.

4a. Section 9.102 (a) is amended as set out below.

§ 9.102 Procedure in separating, suspending, or demoting employees. (a) One of the following procedures shall be followed in connection with the removal, involuntary separation (except retirement for age or disability) furlough in excess of thirty (30) days, suspension, or involuntary demotion of any career, career-conditional, overseas limited of indefinite duration, or indefinite employee in alcompetitive position who is not serv-

ing a probationary or trial period, or any employee having a competitive status who occupies a position in Schedule B. The procedural requirements of this section shall not apply to any employee who is removed pursuant to instructions of the Commission.

b. Section 9.105 (a) is amended as set out below.

§ 9.105 Procedure in displacing temporary, indefinite, and overseas limited employees.

(a) Agencies shall separate temporary, indefinite, and overseas limited employees (classified in Tenure Group III under § 20.4 of this chapter) in response to a specific displacement order by the Commission or to comply with the provisions of the Commission's program to place separated career employees.

5a. Section 11.101 (a) and (c) is revised as follows:

§ 11.101 Agency authority and general requirements for promotion, demotion, or reassignment of status quo and indefinite employees. (a) The Commission hereby delegates authority to agencies to promote, demote, or reassign (1) status quo employees and (2) employees serving under indefinite appointments in competitive positions, subject to the restrictions on promotion in § 2.502 of this chapter. This authority shall not be used to move employees (1) from positions in which initial overseas limited appointments are authorized, to other positions, or (2) to positions in which initial overseas limited appointments are authorized from other positions.

(c) (1) Except for status quo employees who are serving overseas, the promotion, demotion, or reassignment of a status quo employee shall be indefinite unless he is changed back to his status quo position.

(2) A status quo employee serving overseas who is promoted, demoted, or reassigned shall have the tenure of an overseas limited employee unless he is changed back to his status quo position.

b. Section 11.201 (a) is revised as follows:

§ 11.201 Agency authority and general requirements for noncompetitive indefinite appointments. (a) The Commission hereby delegates authority to agencies to employ present or former indefinite Federal employees by noncompetitive indefinite appointment, subject to the following conditions:

(1) A present or former Federal employee without competitive status who last served under indefinite appointment in a competitive position and who has received a notice of separation because of reduction in force may be appointed in any agency, if he is selected not later than ninety (90) days after separation because of reduction in force.

(2) A former Federal employee without a competitive status who entered the military service while serving under an indefinite appointment in a competitive position may be appointed in any agency, if he is selected within ninety (90) days after his honorable separation from military service.

(3) A present or former Federal employee without competitive status who last served under indefinite appointment in a competitive position may be appointed in any agency, if he is unable to move with his office to a different locality and if he is selected for appointment after notification that the office is to move but not later than ninety (90) days after separation because of inability to move with his office.

This authority shall not be used for appointment to positions in which initial overseas limited appointments are

authorized.

(R. S. 1753; cec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

6. Section 22.102 (a) is amended as set out below.

§ 22.102 Employee coverage—(a) Employees covered. The regulations in this part shall apply to any career, career-conditional, overseas limited or indefinite employee who has completed a probationary or trial period in a position in the competitive service, or to any employee who has completed one year of current continuous employment in a position outside the competitive service. Such employment may be in the service of any establishment, agency, bureau, administration, project, or department created by acts of Congress or Presidential order or in the service of the District of Columbia.

(Secs. 11, 19, 53 Stat. 390, 391; 5 U. S. C. 860, 868. Interpret or apply sec. 14, 53 Stat. 390, as amended; 5 U. S. C. 863)

United States Civil Service Commission,
[Seal] Wh. C. Hull,
Executive Assistant.

[P. R. Doc. 55-9659; Filed, Dec. 1, 1955; 8:47 a.m.]

TITLE 7-AGRICULTURE

ChapterVII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 1]

PART 722-COTTON

1956 CROP OF EXTRA LONG STAPLE COTTON; COUNTY ACREAGE ALLOTMENT

Basis and purpose. The purpose of this amendment is to establish the county acreage allotments for the 1956 crop of extra long staple cotton pursuant to sections 344 (e) and 347 (c) of the Agricultural Adjustment Act of 1938, as amended. Notice of the proposed establishment of such allotments was given on August 31, 1955 (20 F. R. 6388) pursuant to section 4 of the Administrative Procedure Act (5 U.S. C. 1003) and in the regulations issued pursuant to said notice it was provided in § 722.1316 (e) that that paragraph would be amended at a later date to include the county acreage allotment established for each county. Furthermore, farmers engaged in the production of extra long staple cotton in 1955 will determine in a

RULES AND REGULATIONS

referendum to be held on December 13, 1955, whether marketing quotas will be in effect on the 1956 crop of extra long staple cotton. In order that county acreage allotments may be apportioned to farms and notices of individual farm acreage allotments mailed, insofar as practicable, so as to be received by farmers prior to the referendum, as required by section 362 of the Agricultural Adiustment Act of 1938, as amended, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure thereon and the 30-day effective date requirements of section 4 of the Administrative Procedure Act is impracticable, unnecessary, and contrary to the public interest, and the county acreage allotments contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.1316 (e) of the Regulations Pertaining to Acreage Allotments for the 1956 Crop of Extra Long Staple Cotton to States, Counties, and Farms (20 F R. 8621) is amended to read as follows:

(e) County acreage allotment. The county acreage allotment shall be the sum of (1) the computed county acreage allotment determined under paragraph (b) of this section and (2) the acreages which are added to the computed county acreage allotment under subparagraphs (1) and (2) of paragraph (c) of this section. The county acreage allotment for each county is set out below. The amount of the acreage reserved by each county committee pursuant to § 722.1317 (b) is available for inspection by any interested person at the office of the county committee.

Arizona C	ounty
County allo	tments
Cochise	68
Graham 1	4,736
Maricopa	7, 695
Pima	1,365
Pinal	4,411
Santa Cruz	17
Yuma	
a. State total b. State acreage reserve for small farms, for new farms, for in-	18, 433
equities, and for hardship	
cases	0
c. State allotment	18. 433

Indicates that the county acreage allotment will be apportioned among farms on the cropland basis in accordance with § 722.1317 (c). For all other counties listed in this paragraph, the Deputy Administrator has approved the recommendation of the county committee that the county acreage allotment be apportioned among farms on the historical basis in accordance with section 722.1317 (d). This paragraph may be amended at a later date to show changes in the method to be used by county committees in apportioning the county acreage allotment to farms.

ROLLO AND RECORMINATE	
tounty allo	ounty tments
Imperial	52
Riverside	224
a. State total b. State acreage reserve for small farms, for new farms, for inequities, and for hardship cases	276 15
-	
c. State allotment	291
FLORIDA Alachua	40
Bradford Columbia Hamilton Jefferson Lake	0.8 9 2 0.2 114
Marion	35 143 20 10
Seminole Sumter Suwannee Union Volusia	68 32 2 29
a. State total:b. State acreage reserve for small	514
farms, for new farms, for in- equities, and for hardship cases	45
c. State allotment	559
Georgia	555
Atkinson Berrien Cook	1 84 25 4
a. State total b. State acreage reserve for small farms, for new farms, for inequities, and for hardship cases	114
•	
c. State allotment New Mexico	
Dona Ana ¹ Eddy	8,060 91
Luna	18
Otero	12
Sierra 1	71
a. State total b. State acreage reserve for small farms, for new farms, for inequities, and for hardship cases	8, 252 172
•	
c. State allotment	8, 424
Texas Brewster	35
Culberson	160
El Paso 1	9,793
Hudspeth Loving	1,318 9
Pecos	204
Presidio	51
Reeves	3, 466 383
Ward	
a. State total b. State acreage reserve for small farms, for new farms, for in- equities, and for hardship	15, 419
cases	351
•	

c. State allotment _____ 15,770

	lrea	
Area: allo	tments	
North	1, 294 243	
a. Total—Puerto Rico b. Acreage reserve for small farms, for new farms, for inequities,	1, 637	
and for hardship cases	171	
c. Total allotment	1,708	

² The cotton producing areas located in the northern part of Puerto Rico are considered as a county and the cotton producing areas in the southern part of Puerto Rico are considered as a county.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S. C. 1375. Interprets or applies Secs. 344, 347, 362, 52 Stat. 57, 59, 62, as amended; 7 U. S. C. 1344, 1347, 1362)

Issued at Washington, D. C., this 29th day of November 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE, Acting Secretary of Agriculture.

[F. R. Doc. 55-9673; Filed, Nov. 30, 1955; 12:30 p. m.]

PART 723-CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

PROCLAMATIONS AND DETERMINATIONS

Proclamation of the national marketing quotas for cigar-filler tobacco for the 1956-57, 1957-58 and 1958-59 marketing years; announcement of the amounts of the national marketing quotas for cigar-filler tobacco and for cigarfiller and binder tobacco for the 1956-57 marketing year and apportionment of the quotas for the 1956-57 marketing year among the several states.

723.701 Basis and purpose.
723.702 Findings and determinations with respect to the national marketing quota for elgar-filler tobacco for the marketing year beginning October 1, 1956.

723.703 Findings and determinations with respect to the national marketing quota for cigar-filler and cigarbinder tobacco for the marketing year beginning October 1, 1956.

AUTHORITY: §§ 723.701 to 723.703 issued under sec. 375, 52 Stat. 66, 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1312,

§ 723.701 Basis and purpose. (a) Sections 723.701 to 723.703 are issued to announce the reserve supply level and the total supply of cigar-filler tobacco and cigar-filler and cigar-binder tobacco (exclusive of type 46 which has been designated (15 F R. 8214) as a separate kind of tobacco) for the marketing year beginning October 1, 1955; to proclaim national marketing quotas for cigar-filler tobacco for the three succeeding marketing years beginning

October 1, 1956; to establish the amounts of the national marketing quotas for cigar-filler tobacco and cigarfiller and cigar-binder tobacco for the marketing year beginning October 1, 1956; and to apportion the quotas among the several States. The findings and determinations by the Secretary contained in §§ 723.702 and 723.703 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from cigar-filler tobacco and cigar-filler and cigar-binder tobacco producers and others as provided in a notice (20 F. R. 7918) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003)

(b) Since the Agricultural Adjustment Act of 1938, as amended, requires the holding of a referendum of cigar-filler tobacco producers within 30 days after the issuance of a proclamation of the national marketing quotas for cigarfiller tobacco for the 1956-57, 1957-58, and 1958-59 marketing years to determine whether such producers favor marketing quotas and requires, insofar as practical, the mailing of notices of farm acreage allotments for the 1956-57 marketing year to farm operators prior to the date of the referendum, it is hereby found that compliance with the 30day effective date provision of section 4 of the Administrative Procedure Act with respect to cigar-filler tobacco is impracticable and contrary to the public interest. Therefore, the proclamation of quotas and the announcement and apportionment of the national marketing quota for cigar-filler tobacco contained herein shall become effective upon the date of filing with the Director, Division of the Federal Register.

§ 723.702 Findings and determinations with respect to the amount of the national marketing quota for cigar-filler tobacco for the marketing year beginning October 1, 1956 —(a) Reserve supply level. The reserve supply level for cigar-filler tobacco is 138,800,000 pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 47,500,000 pounds and a normal year's exports of 1,000,000 pounds.

(b) Total supply. The total supply of cigar-filler tobacco for the marketing year beginning October 1, 1955, is 153,-400,000 pounds consisting of carryover of 112,900,000 pounds and estimated 1955

production of 40,500,000 pounds.

(c) Carryover The estimated carryover of cigar-filler tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1956, is 104,400,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1955, of 49,000,000 pounds from the total supply of such tobacco.

(d) National marketing quota. The marketing quota for cigar-filler tobacco previously proclaimed for the 1955-56 marketing year was disapproved by pro-

ducers voting in a referendum, and national marketing quotas for the 1956-57, 1957-58, and 1958-59 marketing years are hereby proclaimed. The amount of cigar-filler tobacco which will make available during the marketing year beginning October 1, 1956, a supply of cigar-filler tobacco equal to the reserve supply level of such tobacco is 34,400,000 pounds and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 34,-400,000 pounds would be inadequate to meet market demands during the 1956-57 marketing year and such amount is hereby increased by 10 percent. Therefore, the amount of the national marketing quota for cigar-filler tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1956, is 37,800,-000 pounds.

(e) Apportionment of the quota. The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

	creage otment
Kentucky	2
Maryland Pennsylvania	
Reserve 1	

Acreage reserved for establishing allotments for new farms.

§ 723.703 Findings and determinations with respect to the amount of the national marketing quota for cigar-filler and cigar-binder tobacco for the year beginning October 1, 1956'3—(a) Reserve supply level. The reserve supply level for cigar-filler and cigar-binder tobacco (exclusive of type 46 which has been designated (15 F. R. 8214) as a separate kind of tobacco) is 187,100,000 pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 63,000,000 pounds and a normal year's exports of 3,000,000 pounds.

(b) Total supply. The total supply of cigar-filler and cigar-binder tobacco (exclusive of type 46) for the marketing year beginning October 1, 1955, is 192,900,000 pounds consisting of carryover of 139,-800,000 pounds and estimated 1955 production of 53,100,000 pounds.

(c) Carryover The estimated carryover of cigar-filler and cigar-binder to-bacco (exclusive of type 46) at the beginning of the marketing year for such tobacco beginning October 1, 1956, is 131,100,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1955, of 61,800,000 pounds from the total supply of such tobacco.

(d) National marketing quota. The amount of cigar-filler and cigar-binder tobacco (exclusive of type 46) which will make available during the marketing year beginning October 1, 1956, a supply of cigar-filler and cigar-binder tobacco equal to the reserve supply level of such

tobacco is 56,000,000 pounds, and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 56,000,000 pounds would be inadequate to meet market demands during the 1956-57 marketing year and such amount is hereby increased by 10 percent. Therefore, the amount of the national marketing quota for cigar-filler and cigar-binder tobacco (exclusive of type 46) in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1956, is 61,600,000 pounds.

(e) Apportionment of the quota. The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

A	creage	
State: all	allotment	
Connecticut	10,149	
Illinois	8	
Indiana	2	
Iowa	8	
Maccachusetts	5.136	
Minnesota	253	
New Hampshire	1	
New York	191	
Ohio	5,051	
Pennsylvania	330	
Vermont	8	
Wisconsin	17,822	
Recerve 1	394	

*Acreage received for establishing allotments for new forms.

Done at Washington, D. C., this 30th day of November 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-9630; Filed, Nov. 30, 1955; 12:30 p. m.]

PART 725—BURLEY AND FLUE-CURED TOPACCO

PROCLAMATIONS AND DETERMINATIONS

Proclamation of national marketing quotas for Burley tobacco for the 1956–57, 1957–58, and 1958–59 marketing years; announcement of the amount of the national marketing quota for Burley tobacco for the 1956–57 marketing year; and apportionment of the national marketing quota for Burley tobacco for the 1956–57 marketing year among the several States.

§ 725.705 Basis and purpose. (a) Sections 725.705 to 725.706 are issued (1) to proclaim national marketing quotas for Burley tobacco for the 1956-57, 1957-58 and 1958-59 marketing year; (2) to announce the reserve supply level and the total supply of Burley tobacco for the marketing year beginning October 1, 1955; (3) to establish the amount of the national marketing quota for Burley tobacco for the marketing year beginning October 1, 1956; and (4) to apportion the national marketing quota for

¹Rounded to the nearest tenth of a million pounds.

Burley tobacco for the 1956-57 marketing year among the several States. The findings and determinations contained in §§ 725.705 to 725.706 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from Burley tobacco producers and others as provided in a notice (20 F. R. 7918) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003)

(b) Since the Agricultural Adjustment Act of 1938, as amended, requires the holding of a referendum of Burley tobacco producers within 30 days after the issuance of the proclamation of national marketing quotas for Burley tobacco for the 1956-57, 1957-58 and 1958-59 marketing years to determine whether such producers favor marketing quotas and requires, insofar as practical, the mailing of notices of farm acreage allotments for the 1956-57 marketing year to farmers prior to the date of the referendum, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impractical and contrary to the public interest. Therefore the proclamation of national marketing quotas and the announcement and apportionment of the national marketing quota for Burley tobacco for the 1956-57 marketing year contained herein shall become effective upon the date of filing with the Director, Division of the Federal Register.

§ 725.706 Findings and determinations with respect to the national marketing quota for Burley tobacco for the marketing year beginning October 1, 1956 —(a) Reserve supply level. The reserve supply level for Burley tobacco is 1,606,000,000 pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 535,000,000 pounds and a normal year's exports of 36,000,000 pounds.

(b) Total supply. The total supply of Burley tobacco for the marketing year beginning October 1, 1955, is 1,868,000,000 pounds consisting of carryover of 1,348,000,000 pounds and estimated 1955 production of 520,000,000 pounds.

(c) Carryover The estimated carryover of Burley tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1956, is 1,302,000,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1955, of 566,000,000 pounds from the total supply of such tobacco.

(d) National marketing quota. The 1955-56 marketing year is the last year of three consecutive years for which marketing quotas previously proclaimed for Burley tobacco will be in effect and therefore marketing quotas for the 1956-57, 1957-58 and 1958-59 marketing quotas for Burley tobacco are hereby proclaimed. The amount of Burley tobacco which will make available during

the marketing year beginning October 1, 1956, a supply of Burley tobacco equal to the reserve supply level of such tobacco is 304,000,000 pounds and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 304,000,000 pounds would result in undue restriction of marketings during the 1956-57 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for Burley tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1956, is 365,000,000 pounds.

(e) Apportionment of the quota. The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

•	iter cage
State: a	llotmen
Alabama	2
Arkansas	4
Georgia	74
Illinois	
Indiana	6,60
Kansas	8
Kentucky	170,44
Missouri	2,72
North Carolina	8, 58
Ohio	
Oklahoma	
Pennsylvania	
South Carolina	
Tennessee	53, 86
Texas	
Virginia	9,32
West Virginia	
Reserve 1	

Acreage reserved for establishing allotments for new farms.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies secs. 301, 312, 313, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1312, 1313)

Done at Washington, D. C., this 30th day of November 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,

Acting Secretary of Agriculture.

[F. R. Doc. 55-9691; Filed, Nov. 30, 1955; 12:30 p. m.]

PART 726—FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

PROCLAMATIONS AND DETERMINATIONS

Proclamation of national marketing quotas for Virginia sun-cured tobacco for the 1956-57, 1957-58 and 1958-59 marketing years; announcement of the amounts of the national marketing quotas for fire-cured, dark air-cured, and Virginia sun-cured tobacco for the 1956-57 marketing year; and apportionment of the quotas for the 1956-57 marketing year.

726.701 Basis and purpose.

726.702 Findings and determinations with respect to the national marketing quota for fire-cured tobacco for the marketing year beginning October 1 1088

tober 1, 1956.

726.703 Findings and determinations with respect to the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1956.

726.704 Findings and determinations with respect to the national marketing quota for Virginia sun-cured to-bacco for the marketing year beginning October 1, 1956.

AUTHORITY: §§ 726.701 to 726-704 issued under sec. 375, 52 Stat. 66, 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended, 7 U. S. C. 1301, 1312, 1313.

Basis and purpose. Sections 726.701 to 726.704 are issued (1) to proclaim national marketing quotas for Virginia sun-cured tobacco for the 1956-57, 1957-58 and 1958-59 marketing years; (2) to announce the reservo supply level and the total supply of firecured tobacco, dark air-cured tobacco, and Virginia sun-cured tobacco for the marketing year beginning October 1, 1955; (3) to establish the amounts of the national marketing quotas for fire-cured, dark air-cured, and Virginia sun-cured tobacco for the marketing year beginning October 1, 1956; and (4) to apportion the national marketing quotas for the 1956-57 marketing year among the several States. The findings and determinations contained in §§ 726.702 to 726.704 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of the data, views, and recommendations received from fire-cured, dark air-cured, and Virginia sun-cured tobacco producers and others as provided in a notice (20 F R. 7918) given in accordance with the Administrative Procedure Act (5 U.S. C. 1003)

(b) Since the Agricultural Adjustment Act of 1938, as amended, requires the holding of a referendum of Virginia sun-cured tobacco producers within 30 days after the issuance of the proclamation of national marketing quotas for Virginia sun-cured tobacco for the 1956-57, 1957-58 and 1958-59 marketing years to determine whether such producers favor marketing quotas and requires, insofar as practicable, the mailing of notices of farm acreage allotments for the 1956-57 marketing year to farm operators prior to the date of the referendum, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act with respect to Virginia sun-cured tobacco is impractical and contrary to the public interest. Therefore, the proclamation of quotas and the announcement and apportionment of the quota for Virginia sun-cured tobacco for the 1956-57 marketing year contained herein shall become effective upon the date of filing with the Director, Division of the Federal Register.

§ 726.702 Findings and determinations with respect to the amount of the

¹ Rounded to the nearest million pounds.

national marketing quota for fire-cured tobacco for the marketing year beginning October 1, 1956 1—(a) Reserve supply level. The reserve supply level for fire-cured tobacco is 172,600,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 37,000,000 pounds and a normal year's exports of 38,000,000 pounds.

(b) Total supply. The total supply of fire-cured tobacco for the marketing year beginning October 1, 1955, is 202,-000,000 pounds consisting of carryover of 137,200,000 pounds and estimated 1955 production of 64,800,000 pounds.

(c) Carryover. The estimated carryover of fire-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1956, is 131,700,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1955, of 70,300,000 pounds from the total supply of such tobacco.

(d) National marketing quota. amount of fire-cured tobacco which will make available during the marketing year beginning October 1, 1956, a supply of fire-cured tobacco equal to the reserve supply level of such tobacco is 40,900,000 pounds and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 40,-900,000 pounds would result in undue restriction of marketings during the 1956–57 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for fire-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1956, is 49,100,000 pounds.

(e) Apportionment of the quota. The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

_ A	creage
	otment
Illinois	
Kentucky	16, 174
Tennessee	18, 177
Virginia	8,296
Reserve 1	107

¹ Acreage reserved for establishing allotments for new farms.

§ 726.703 Findings and determinations with respect to the amount of the national marketing quota for dark aircured tobacco for the marketing year beginning October 1, 1956 1—(a) Reserve supply level. The reserve supply for dark air-cured tobacco is 87,800,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 25,000,000 pounds and a normal year's exports of 9,000,000 pounds.

(b) Total supply. The total supply of dark air-cured tobacco for the marketing year beginning October 1, 1955, is 107,100,000 pounds consisting of carryover of 76,800,000 pounds and estimated 1955 production of 30,300,000 pounds.

1955 production of 30,300,000 pounds.
(c) Carry-over The estimated carry-over of dark air-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1956, as 71,200,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1955, of 35,900,000 pounds from the total supply of such tobacco.

(d) National marketing quota. The amount of dark air-cured tobacco which will make available during the marketing year beginning October 1, 1956, a supply of dark air-cured tobacco equal to the reserve supply level of such tobacco is 16,600,000 pounds and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 16,600,000 pounds would result in undue restriction of marketings during the 1956-57 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for dark air-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1956, is 19,900,000 pounds.

(e) Apportionment of the quota. The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

		reage
State:	all	otment
Kentucky		14, 192
Tennessee		2,390
Indiana		50
Reserve 1		42

Acreage reserved for establishing allotments for new farms.

§ 726.704 Findings and determinations with respect to the national marketing quota for Virginia sun-cured tobacco for the marketing year beginning October 1, 1956'—(a) Reserve supply level. The reserve supply level for Virginia suncured tobacco is 10,141,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 3,200,000 pounds and a normal year's exports of 520,000 pounds.

(b) Total supply. The total supply of Virginia sun-cured tobacco for the marketing year beginning October 1, 1955, is 8,223,000 pounds consisting of a carryover of 4,128,000 pounds and estimated 1955 production of 4.095,000 pounds.

1955 production of 4,095,000 pounds.
(c) Carry-over. The estimated carry-over of Virginia sun-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1956, is 4,541,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1,

1955, of 3,682,000 pounds from the total supply of such tobacco.

(d) National marketing quota. The 1955-56 marketing year is the last year of three consecutive years for which marketing quotas previously proclaimed for Virginia sun-cured tobacco will be in effect and therefore marketing quotas for the 1956-57, 1957-58 and 1952-59 marketing years are hereby proclaimed. The amount of Virginia sun-cured tobacco which will make available during the marketing year beginning October 1, 1956, a supply of Virginia sun-cured tobacco equal to the reserve supply level of such tobacco is 5,600,000 pounds and a national marketing quota of such amount is hereby proclaimed.

(e) Apportionment of the quota. Since Virginia sun-cured tobacco is grown only in the State of Virginia, the quota is apportioned only to that State under section 313 (a) of the Agricultural Adjustment Act of 1938, as amended. The national marketing quota pro-claimed in paragraph (d) of this section, less 14,000 pounds reserved for establishing allotments for farms upon which no Virginia sun-cured tobacco has been grown within the past five years, becomes the State marketing quota for Virginia. The State marketing quota is hereby converted in accordance with section 313 (g) of the act into a State acreage allotment of 5,525 acres. Likewise, the reserve of 14,000 pounds for establishing allotments for new farms is

Done at Washington, D. C., this 30th day of November, 1955. Witness my hand and the seal of the Department of Agriculture.

hereby converted into 14 acres.

[SEAL] TRUE D. MORSE, Acting Secretary of Agriculture.

[F. R. Doc. 55-9692; Filed. Nov. 30, 1955; 12:30 p. m.]

PART 727-MARYLAND TOBACCO

PROCLAMATIONS AND DETERMINATIONS

Proclamation of national marketing quotas for Maryland tobacco for the 1956-57, 1957-58 and 1958-59 marketing years; announcement of the amount of the national marketing quota for Maryland tobacco for the 1956-57 marketing year; and apportionment of the quota for the 1956-57 marketing year among the several states.

§ 727.701 Basis and purpose. (a) Sections 727.701 and 727.702 are issued to announce the reserve supply level and the total supply of Maryland tobacco for the marketing year beginning October 1, 1955; to proclaim national marketing quotas for Maryland tobacco for the three succeeding marketing years beginning October 1, 1956; to establish the amount of the national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1956; and to apportion such quota among the several States. The findings and determinations by the Secretary contained in § 727.702 have been made on the basis of the latest available statistics of the Federal Government, and after due con-

¹Rounded to the nearest tenth of a million pounds.

^{*}Rounded to nearest thousand pounds.

sideration of data, views, and recommendations received from Maryland tobacco producers and others as provided in a notice (20 F R. 7918) given in accordance with the Administrative Procedure Act (5 U.S. C. 1003)

(b. Since the Agricultural Adjustment Act of 1938, as amended, requires the holding of a referendum of Maryland tobacco producers within 30 days after the issuance of the proclamation of national marketing quotas for the 1956-57, 1957-58 and 1958-59 marketing years to determine whether such producers favor marketing quotas and requires, insofar as practicable, the mailing of notices of farm acreage allotments for the 1956-57 marketing year to farm operators prior to the date of the referendum, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the proclamation of national marketing quotas and the announcement and apportionment of the quota for the 1956-57 marketing year contained herein shall become effective upon the date of filing with the Director, Division of the Federal Register.

§ 727.702 Findings and determinations with respect to the amount of the national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1956 1—(a) Reserve supply level. The reserve supply level for Maryland tobacco is 104,200,000 pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 31,000,000 pounds and a normal year's export of 8,500,000 pounds.

(b) Total supply. The total supply of Maryland tobacco for the marketing year beginning October 1, 1955, is 111,-200,000 pounds consisting of carryover of 75,500,000 pounds and estimated 1955 production of 35,700,000 pounds.

(c) Carryover The estimated carryover of Maryland tobacco on January 1, 1957, is 72,600,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1955, of 38,600,000 pounds from the total supply of such tobacco.

(d) National marketing quota. The marketing quota previously proclaimed for Maryland tobacco for the 1955-56 marketing year is not in effect because of disapproval by producers in a referendum, and marketing quotas for the 1956-57, 1957-58 and 1958-59 marketing years are hereby proclaimed. The amount of Maryland tobacco which will make available during the marketing year, beginning October 1, 1956, a supply of Maryland tobacco equal to the reserve supply level of such tobacco is 31.-600,000 pounds, and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 31,600,000 pounds would be inadequate to meet market demands during the 1956-57 marketing year and such amount is hereby increased by 20

percent. Therefore, the amount of the national marketing quota for Maryland tobacco in terms of the total quantity of tobacco which may be marketed during the marketing year beginning October 1, 1956, is 37,900,000 pounds.

(e) Apportionment of the quota. The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

	reage
State: all	otment
Maryland	45, 629
Virginia	28
Delaware	1
Reserve 1	115

¹ Acreage reserved for establishing allotments for new farms.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies secs. 301, 312, 313, 52 Stat. 38, as amended; 7 U.S. C. 1301, 1312,

Done at Washington, D. C., this 30th day of November 1955. Witness my hand and the seal of the Department of Agriculture.

TRUE D. MORSE. [SEAL] Acting Secretary of Agriculture.

[F. R. Doc. 55-9693; Filed, Nov. 30, 1955: 12:30 p. m.]

TITLE 14-CIVIL AVIATION

Chapter I-Civil Aeronautics Board

[Civil Air Regs., Amdt. 40-20]

PART 40-SCHEDULED INTERSTATE AIR CAR-RIER CERTIFICATION AND OPERATION RULES

EMERGENCY AND EVACUATION EQUIPMENT AND .PROCEDURES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of November 1955.

Currently effective provisions of Part 40 of the Civil Air Regulations contain certain requirements for emergency and evacuation equipment and procedures. This amendment requires air carriers operating pursuant to Part 40 to make certain additional provisions with respect to emergency and evacuation equipment and procedures.

The necessity for these additional provisions was indicated following the Board's investigation of several air carrier accidents and they have been under consideration for some time. These matters were the substance of a notice of proposed rule making which was published in the Federal Register (17 F R. 8022) and circulated as Civil Air Regulations Draft Release No. 52-26 dated August 29, 1952. As a result of comment received, it appeared desirable to arrange a meeting with representatives of industry to discuss particular issues. Such a meeting was held in Washington, D. C., on November 25, 1952, at which the general intent of each proposal was thoroughly discussed and specific changes in the wording of the rules were proposed.

As a result of comment received in response to Draft Release No. 52-26 and the discussions at the subsequent industry meeting, the proposals were revised and a new notice of proposed rule making was published in the FEDERAL REG-ISTER (18 F R. 4744) and circulated as Civil Air Regulations Draft Release No. 53-15 dated August 10, 1953. Since a substantial lapse of time occurred following the issuance of Draft Release No. 53-15, and because of the changes made as a result of comment received on the revised proposals, the Board decided to publish the proposed rules again prior to taking any final action. Accordingly, the proposed rules were published in the FEDERAL REGISTER (20 F R. 1016) and circulated as Civil Air Regulations Draft Release No. 55-5 dated February 10, 1955. The comment received in response thereto has been considered by the Board in the drafting of this amendment. The following are summaries of the regulatory changes made by this amendment:

1. Means of emergency evacuation. There are no requirements in Part 40 of the Civil Air Regulations for evacuation equipment to assist passengers in evacuating an airplane on the ground. Experience has shown, however, that in certain instances it is essential that some means be provided in addition to those required by the applicable airworthiness requirements. Accordingly, this amendment requires that at all emergency exits which are more than 6 feet from the ground means be provided to assist the occupants in descending from the airplane. At floor level exits approved as emergency exits, such means for emergency evacuation shall be a chute or an equivalent device which will be suitable for the rapid evacuation of passengers. The Board intends that this means shall be in a position for ready use during flight time (as defined by the Civil Air Regulations, "Flight Time" includes that time during which the airplane is taxiing) and so located that it will not oreate a hazard by obstructing any emergency exit. As an example, certain of the air carriers have already installed chutes immediately above exit doors or on brackets attached to the fuselage immediately adjacent to the doors. An approved chute so located is in a position for "ready use" within the meaning of the new section.

2. Interior emergency exit markings. At the present time § 40.178 (a) of Part 40 requires that emergency exits for airplanes carrying passengers be clearly marked as such with luminous paint in letters not less than ¾ inches high, such markings to be located either on or immediately adjacent to pertinent exits and readily visible to passengers. Location and method of operation of the handles are required to be marked with luminous paint. The Board does not consider that these requirements are adequate to ensure that in case of a crash landing or ditching at night the passengers and crew would be able to identify and operate emergency exits. This amendment, therefore, provides that for all air carrier passenger airplanes lights be installed so as to illuminate all emergency exits in such a

¹ Rounded to the nearest tenth of a million nounds.

manner as to attract the attention of the occupants of the airplane at night. It is further required that these lights be equipped with an integral energy supply system. Since Draft Release No. 55-5 was circulated, the Board has determined that a light designed only for manual operation, if designed to withstand the impact forces of a crash landing and continue operation, will serve as a suitable alternative to an automatic light to provide emergency lighting at those times when it is most likely to be needed. Accordingly, this amendment requires that these lights either (1) be designed to function automatically in the event of a crash landing and to continue to function thereafter and also be operable manually, or (2) be designed only for manual operation and also to continue to function after a crash landing. When such lights require manual operation to function, they must be turned on prior to each night take-off and landing. With respect to the automatic light, any approved system, whether it is designed to operate as a result of mertia forces or upon failure of the main electrical system, will be satisfactory as long as it meets the two requirements; namely, it will function automatically in the event of a crash landing and continue to function thereafter, and it is also operable manually.

The requirements for emergency exit markings in the airplane interior are deleted from § 40.178 and incorporated with modifications in § 40.173 (f) This latter section includes revised language which takes account of the new emergency exit lighting requirements.

3. Equipment for extended overwater operations. This amendment modifies and expands the current provisions to require scheduled air carriers in extended overwater operations to have on their airplanes suitable equipment in the form of life vests, life rafts, signaling devices, and survival kits. This equipment is required to be installed in conspicuously marked approved locations where it will be easily accessible in the event of ditching.

An intensive investigation of ditching operations, including tests of life-raft capacity, has recently been conducted by the Civil Aeronautics Administration and the United States Navy in cooperation with other government agencies and interested aeronautical organizations. The Board has been advised that analysis of the results of these tests has not yet been accomplished. Consequently, as indicated in Draft Release No. 55-5, pending development of satisfactory criteria of life-raft capacity, the Board is not taking any action at this time to require that such life rafts possess sufficient maximum capacity to accommodate all occupants in the event of a loss of one life raft of the largest capacity on board. In view of the foregoing, this amendment does not change the requirement that airplanes on extended overwater flights carry life rafts sufficient in number and of such rated capacity as to accommodate all occupants of the airplane.

The Board is also concerned by the lack of any current requirement that life jackets and life rafts be equipped with a

means of illumination which would materially assist in the rescue of persons from the water at night. Although such a light is not yet available, the Board has recently been informed that progress is being made toward the development of a serviceable, reliable, lightweight, inexpensive light of indefinite shelf life, adaptable to such use. Therefore, the Board will consider further whether a means of illuminating life jackets and life rafts should be required when it has determined that developments are sufficiently mature to warrant such action.

4. Assignment of emergency evacuation functions for each crew member This amendment requires each air carrier to assign emergency functions for each crew member to perform in the event of circumstances requiring emergency evacuation. The objective of this requirement is to assure that each crew member will know, and be able to perform, those basic functions which are necessary in order to accomplish an emergency evacuation. The "emergency" for which this rule requires each crew member to be prepared is that of evacuating the airplane. Although innumerable types of emergencies may arise in flight which may necessitate an emergency evacuation of an airplane, the Board is of the opinion that the procedures to be followed in evacuating an airplane remain limited in number. Therefore, it is considered reasonable. and it is the intent of this rule, to require that each crew member be prepared to perform emergency evacuation functions when necessitated by various general situations; for example, ditching, fire in flight, and landing gear collapse. This rule will not, of course, limit the authority of the pilot in command over crew members with respect to the assignment of duties under the particular conditions of an emergency.

The Board has always based its rules on the premise that wherever possible the air carrier should be responsible for assigning crew duties. It has been brought to the attention of the Board, however, that in certain instances crew duties are not sufficiently delineated and crew training programs are not sufficiently complete to provide proper coordination of the crew in the event of a crash landing or ditching. The Board considers that it is necessary to ensure that assigned crew duties are realistic, and do not, for example, require an individual to be assigned certain tasks which are not probable of accomplishment under the conditions anticipated. Therefore, these functions are required to be listed in the air carrier manual and all crew members must be made thoroughly familiar with them during both initial and recurrent training. In addition, the air carrier must show that the functions so assigned are practicable of accomplishment.

5. Briefing of passengers. This amendment requires each air carrier engaged in extended overwater operations to establish a procedure for orally briefing passengers in order to ensure that they will be familiar with the location and method of operation of life vests and emergency exits, and the location of life rafts. Such

briefing must include a demonstration of donning life jackets.

The Board considers that it is in the public interest to attain the increased safety sought by these rules at the earliest opportunity. At the same time it recognizes that certain of the requirements involving physical changes to airplane structures and the procurement of additional equipment would be unduly burdensome unless an appropriate period of time for planning, procurement, and installation is allowed. Accordingly, a majority of these rules need not be complied with for approximately 18 months. However, the rules involving procedures only must be complied with in approximately 6 months.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment contains rules which need not be complied with for at least 6 months, it may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) effective November 28, 1955:

1. By amending § 40.173 by adding new paragraphs (e) and (f) to read as follows:

 \S 40.173 Emergency equipment for all operations. * * *

(e) Means for emergency evacuation. After May 31, 1957, on all passengercarrying airplanes, at all emergency exits which are more than 6 feet from the ground with the airplane on the ground and with the landing gear extended, means shall be provided to assist the occupants in descending from the airplane. At floor level exits approved as emergency exits, such means shall be a chute or equivalent device suitable for the rapid evacuation of passengers. During flight time this means shall be in a position for ready use: Provided, That the requirements of this paragraph do not apply to emergency exits over the wing where the greatest distance from the lower sill of the exit to the wing surface does not exceed 36 inches.

(f) Interior emergency exit markings.

(1) After May 31, 1957, all emergency exits, their means of access, and their means of opening shall be marked conspicuously. The identity and location of emergency exits shall be recognizable from a distance equal to the width of the cabin. The location of the emergency exit operating handle and the instructions for opening shall be marked on or adjacent to the emergency exit and shall be readable from a distance of 30 inches by a person with normal eyesight.

(2) After May 31, 1957, for night operations, a source or sources of light, with an energy supply independent of the main lighting system, shall be installed to illuminate all emergency exit markings. Such lights shall be designed to function automatically in a crash landing and to continue to function thereafter and shall also be operable manually, or shall be designed only for manual operation and also to continue to function following a crash landing. When

such lights require manual operation to function, they shall be turned on prior toeach night take-off and landing.

- 2. By amending § 40.178 to read as follows:
- § 40.178 Exterior exit and evacuation markings for all operations. Effective January 1, 1956, exterior surfaces of the airplane shall be marked to identify clearly all required emergency exits. When such exits are operable from the outside, markings shall consist of or include information indicating the method of opening.
- 3. By amending $\S 40.206$ to read as follows:
- § 40.206 Equipment for overwater operations. (a) The following equipment shall be required for all extended overwater operations:
- (1) Life vest or other adequate individual flotation device for each occupant of the airplane;
- (2) Life rafts sufficient in number and of such rated capacity and buoyancy as to accommodate all occupants of the airplane:
- (3) Suitable pyrotechnic signaling devices: and
- (4) One portable emergency radio signaling device, capable of transmission on the appropriate emergency frequency or frequencies, which is not dependent upon the airplane power supply and which is self-buoyant and water-resistant.
- (b) All required life rafts, life vests, and signaling devices shall be easily accessible in the event of a ditching without appreciable time for preparatory procedures. After May 31, 1957, this equipment shall be installed in conspicuously marked approved locations.
- ' (c) After May 31, 1957, a survival kit, appropriately equipped for the route to be flown, shall be attached to each required life raft.
- 4. By adding a new § 40.267 to read as follows:
- § 40.267 Assignment of emergency evacuation functions for each crew member After May 31, 1956, each air carrier shall assign all necessary emergency functions for each crew member to perform in the event of circumstances requiring emergency evacuation. The air carrier shall show that functions so assigned are practicable of accomplishment. These functions shall be described in the air carrier manual.
- 5. By adding a new § 40.370 to read as follows:

§ 40.370 Briefing of passengers. After May 31, 1956, each air carrier engaged in extended overwater operations shall assure that all passengers are briefed orally concerning the location and method of operation of life vests and emergency exits and the location of life rafts. The procedure to be followed in presenting this briefing shall be described in the air carrier manual. Such a briefing shall include a demonstration of the method of donning and inflating a life vest. Where the airplane proceeds directly over water after take-off, the

briefing on location of the life vests and emergency exits shall be accomplished prior to take-off, and the remainder of the briefing shall be accomplished as soon thereafter as practicable. Where the airplane does not proceed directly over water after take-off, no part of the briefing need be accomplished prior to take-off but the entire briefing shall be accomplished prior to reaching the overwater portion of the flight.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554, 555)

By the Civil Aeronautics Board.

[SEAL] IM

M. C. Mulligan, Secretary.

[F. R. Doc. 55-9670; Filed, Dec. 1, 1955; 8:49 a. m.]

[Civil Air Regs., Amdt. 41-6]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OP-PERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

EMERGENCY AND EVACUATION EQUIPMENT AND PROCEDURES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of November 1955.

Currently effective provisions of Part 41 of the Civil Air Regulations contain certain requirements for emergency and evacuation equipment and procedures. This amendment requires air carriers operating pursuant to Part 41 to make certain additional provisions with respect to emergency and evacuation equipment and procedures.

The necessity for these additional provisions was indicated following the Board's investigation of several air carrier accidents and they have been under consideration for some time. These matters were the substance of a notice of proposed rule making which was published in the Federal Register (17 F R. 8022) and circulated as Civil Air Reguz lations Draft Release No. 52-26 dated August 29, 1952. As a result of comment received, it appeared desirable to arrange a meeting with representatives of industry to discuss particular issues. Such a meeting was held in Washington, D. C., on November 25, 1952, at which the general intent of each proposal was thoroughly discussed and specific changes in the wording of the rules were proposed.

As a result of comment received in response to Draft Release No. 52-26 and the discussions at the subsequent industry meeting, the proposals were revised and a new notice of proposed rule making was published in the Federal Regis-TER (18 F R. 4744) and circulated as Civil Air Regulations Draft Release No. 53-15 dated August 10, 1953. Since a substantial lapse of time occurred following the issuance of Draft Release No. 53-15, and because of the changes made as a result of comment received on the revised proposals, the Board decided to publish the proposed rules again prior to taking any final action. Accordingly,

the proposed rules were published in the FEDERAL REGISTER (20 F. R. 1016) and circulated as Civil Air Regulations Draft Release No. 55-5 dated February 10, 1055. The comment received in response thereto has been considered by the Board in the drafting of this amendment. The following are summaries of the regulatory changes made by this amendment:

- 1. Means of emergency evacuation. There are no requirements in Part 41 of the Civil Air Regulations for evacuation equipment to assist passengers in evacuating an airplane on the ground. Experience has shown, however, that in certain instances it is essential that some means be provided in addition to those required by the applicable airworthiness requirements. Accordingly, this amendment requires that at all emergency exits which are more than 6 feet from the ground means be provided to assist the occupants in descending from the airplane. At floor level exits approved as emergency exits, such means for emergency evacuation shall be a chute or an equivalent device which will be suitable for the rapid evacuation of passengers. The Board intends that this means shall be in a position for ready use during flight time (as defined by the Civil Air Regulations, "Flight Time" includes that time during which the airplane is taxiing) and so located that it will not create a hazard by obstructing any emergency exit. As an example, certain of the air carriers have already installed chutes immediately above exit doors or on brackets attached to the fuselage immediately adjacent to the doors. An approved chute so located is in a position for "ready use" within the meaning of the new section.
- 2. Interior emergency exit markings. At the present time Part 41 requires that emergency exists for airplanes carrying passengers be clearly marked as such with luminous paint in letters not less than 34-inch high, such markings to be located either on or immediately adjacent to pertinent exists and readily visible to passengers. Location and method of operation of the handles are required to be marked with luminous paint. The Board does not consider that these requirements are adequate to ensure that in case of a crash landing or ditching at night the passengers and crew would be able to identify and operate emergency exits. This amendment, therefore, provides that for all air carrier passenger airplanes lights be installed so as to illuminate all emergency exists in such a manner as to attract the attention of the occupants of the airplane at night. It is further required that these lights be equipped with an integral energy supply system. Since Draft Release No. 55-5 was circulated, the Board has determined that a light designed only for manual operation, if designed to withstand the impact forces of a crash landing and continue operation, will serve as a suitable alternative to an automatic light to provide emergency lighting at those times when it is most likely to be needed. Accordingly, this amendment requires that these lights either (1) be designed to function automatically in the event of a crash landing and to continue to function

thereafter and also be operable manually, or (2) be designed only for manual operation and also to continue to function after a crash landing. When such lights require manual operation to function, they must be turned on prior to each night take-off and landing. With respect to the automatic light, any approved system, whether it is designed to operate as a result of mertia forces or upon failure of the main electrical system, will be satisfactory as long as it meets the two requirements; namely, it will function automatically in the event of a crash landing and continue to function thereafter, and it is also operable manually.

3. Equipment for extended overwater operations. This amendment modifies and expands the current provisions to require scheduled air carriers in extended overwater operations to have on their airplanes suitable equipment in the form of life vests, life rafts, signaling devices, and survival kits. This equipment is required to be installed in conspicuously marked approved locations where it will be easily accessible in the event of ditching.

An intensive investigation of ditching operations, including tests of life-raft capacity, has recently been conducted by the Civil Aeronautics Administration and the United States Navy in cooperation with other government agencies and interested aeronautical organizations. The Board has been advised that analysis of the results of these tests has not yet been accomplished. Consequently, as indicated in Draft Release No. 55-5. pending development of satisfactory criteria of life-raft capacity, the Board is not taking any action at this time to require that such life rafts possess sufficient maximum capacity to accommodate all occupants in the event of a loss of one life raft of the largest capacity on board. In view of the foregoing, this amendment does not change the requirement that airplanes on extended overwater flights carry life rafts sufficient in number and of such rated capacity as to accommodate all occupants of the air-

The Board is also concerned by the lack of any current requirement that life tackets and life rafts be equipped with a means of illumination which would materially assist in the rescue of persons from the water at night. Although such a light is not yet available, the Board has recently been informed that progress is being made toward the development of a serviceable, reliable, lightweight, mexpensive light of indefinite shelf life, adaptable to such use. Therefore, the Board will consider further whether a means of illuminating life tackets and life rafts should be required when it has determined that developments are sufficiently mature to warrant such action.

The Board has carefully studied the various proposals submitted with respect to a definition of extended overwater operation as applied to scheduled and irregular operations and considers that the distance of 50 miles is a reasonable measure of such operations. Since there may exist particular operations which

would require or permit some flexibility in the administration of the rule, the Administrator is authorized to require the carriage of all of the prescribed equipment, or any item thereof, for any operation over water if he finds that the standards of safety appropriate for air carrier operations so require. The rule also permits the Administrator to determine, upon application of an air carrier, how much, if any, of the equipment will be required for each extended overwater operation. Unless otherwise specified by the Administrator, the equipment required herein will be carried in all extended overwater operations.

4. Assignment of emergency evacuation functions for each crew member This amendment requires each air carrier to assign emergency functions for each crew member to perform in the event of circumstances requiring emergency evacuation. The objective of this requirement is to assure that each crew member will know, and be able to perform, those basic functions which are necessary in order to accomplish an emergency evacuation. The "emergency" for which this rule requires each crew member to be prepared is that of evacuating the airplane. Although innumerable types of emergencies may arise in flight which may necessitate an emergency evacuation of an airplane, the Board is of the opinion that the procedures to be followed in evacuating an airplane remain limited in number. Therefore, it is considered reasonable, and it is the intent of this rule, to require that each crew member be prepared to perform emergency evacuation functions when necessitated by various general situations: for example, ditching, fire in flight, and landing gear collapse. This rule will not, of course, limit the authority of the pilot in command over crew members with respect to the assignment of duties under the particular conditions of an emergency.

The Board has always based its rules on the premise that wherever possible the air carrier should be responsible for assigning crew duties. It has been brought to the attention of the Board, however, that in certain instances crew duties are not sufficiently delineated and crew training programs are not sufficiently complete to provide proper coordination of the crew in the event of a crash landing or ditching. The Board considers that it is necessary to ensure that assigned crew duties are realistic, and do not, for example, require an individual to be assigned certain tasks which are not probable of accomplishment under the conditions anticipated. Therefore, these functions are required to be listed in the air carrier manual and all crew members must be made thoroughly familiar with them during both initial and recurrent training. In addition, the air carrier must show that the functions so assigned are practicable of accomplishment.

5. Briefing of passengers. This amendment requires each air carrier engaged in extended overwater operations to establish a procedure for orally briefing passengers in order to ensure that they will be familiar with the location

and method of operation of life vests and emergency exits, and the location of life rafts. Such briefing must include a demonstration of donning life jackets.

The Board considers that it is in the public interest to attain the increased safety sought by these rules at the earliest opportunity. At the same time it recognizes that certain of the requirements involving physical changes to arrelane structures and the procurement of additional equipment would be unduly burdensome unless an appropriate period of time for planning, procurement, and installation is allowed. Accordingly, a majority of these rules need not be complied with for approximately 18 months. However, the rules involving procedures only must be complied with in approximately 6 months.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment contains rules which need not be complied with for at least 6 months, it may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) effective November 28, 1955:

1. By amending \$41.23 to read as follows:

§ 41.23 Emergency and safety equipment. After May 31, 1957, the equipment required in §§ 41.23b, 41.23c, and 41.23d shall be approved by the Administrator.

- 2. By adding new §§ 41.23b, 41.23c, and 41.23d to read as follows:
- § 41.23b First-aid kits and emergency equipment. Each airplane shall be equipped with a conveniently accessible first-aid kit adequate for the type of operation involved. Airplanes scheduled over routes requiring flights for long distances over uninhabited terrain must carry such additional emergency equipment as appropriate for the particular operation involved.
- § 41.23c Equipment for overwater operations. (a) The following equipment shall be required for all extended overwater operations: Provided, That the Administrator, after appropriate investigation, may require the carriage of all of the prescribed equipment, or any item thereof, for any operation over water, or upon application of an air carrier, permit deviation from these requirements for a particular extended overwater operation:

(1) Life vest or other adequate individual flotation device for each occupant of the airplane;

- (2) Life rafts sufficient in number and of such rated capacity and buoyancy as to accommodate all occupants of the airplane;
- (3) Suitable pyrotechnic signaling devices; and
- (4) One portable emergency radio signaling device, capable of transmission on the appropriate emergency frequency or frequencies, which is not dependent upon the airplane power supply and

which is self-buoyant and water-resistant.

- (b) All required life rafts, life vests, and signaling devices shall be easily accessible in the event of a ditching without appreciable time for preparatory procedures. After May 31, 1957 this equipment shall be installed in conspicuously marked locations approved by the Administrator.
- (c) A survival kit, appropriately equipped for the route to be flown, shall be attached to each required life raft.
- § 41.23d Emergency evacuation equipment-(a) Means for emergency evacuation. After May 31, 1957, on all passenger-carrying airplanes, at all emergency exits which are more than 6 feet from the ground with the airplane on the ground and with the landing gear extended, means shall be provided to assist the occupants in descending from the airplane. At floor level exits approved as emergency exits, such means shall be a chute or equivalent device suitable for the rapid evacuation of passengers. During flight time this means shall be in a position for ready use: Provided, That the requirements of this paragraph do not apply to emergency exits over the wing where the greatest distance from the lower sill of the exit to the wing surface does not exceed 36 inches.
- (b) Interior emergency exit markings.

 (1) After May 31, 1957, all emergency exits, their means of access, and their means of opening shall be marked conspicuously. The identity and location of emergency exits shall be recognizable from a distance equal to the width of the cabin. The location of the emergency exit operating handle and the instructions for opening shall be marked on or adjacent to the emergency exit and shall be readable from a distance of 30 inches by a person with normal eyesight.
- sight. (2) After May 31, 1957, for night operations, a source or sources of light, with an energy supply independent of the main lighting system, shall be installed to illuminate all emergency exit markings. Such lights shall be designed to function automatically in a crash landing and to continue to function thereafter and shall also be operable manually, or shall be designed only for manual operation and also to continue to function following a crash landing. When such lights require manual operation to function, they shall be turned on prior to each night take-off and landing.
- 3. By amending § 41.126 to read as follows:
- § 41.126 Assignment of emergency evacuation functions for each crew member After May 31, 1956, each air carrier shall assign all necessary emergency functions for each crew member to perform in the event of circumstances requiring emergency evacuation. The air carrier shall show that functions so assigned are practicable of accomplishment. These functions shall be described in the air carrier manual.
- 4. By amending § 41.127 to read as follows:

§ 41.127 Briefing of passengers. After May 31, 1956, each air carrier engaged in extended overwater operations shall assure that all passengers are briefed orally concerning the location and method of operation of life vests and emergency exits and the location of life rafts. The procedure to be followed in presenting this briefing shall be described in the air carrier manual. Such a briefing shall include a demonstration of the method of donning and inflating a life vest. Where the airplane does not proceed directly over water after take-off, no part of the briefing need be accomplished prior to take-off but the entire briefing shall be accomplished prior to reaching the overwater portion of the flight.

5. By amending § 41.137 by adding the following definition in alphabetical order.

§ 41.137 Definitions. * * *

Extended overwater operation. An extended overwater operation shall be considered an operation over water conducted at a distance in excess of 50 miles from the nearest shore line.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554, 555)

By the Civil Aeronautics Board.

[SEAL]

M. C. Mulligan, Secretary.

[F. R. Doc. 55-9671; Filed, Dec. 1, 1955; 8:49 a.m.]

[Civil Air Regs., Amdt. 42-6]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

EMERGENCY AND EVACUATION EQUIPMENT AND PROCEDURES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of November 1955.

Currently effective provisions of Part 42 of the Civil Air Regulations contain certain requirements for emergency and evacuation equipment and procedures. This amendment requires air carriers operating pursuant to Part 42 to make certain additional provisions with respect to emergency and evacuation equipment and procedures.

The necessity for these additional provisions was indicated following the Board's investigation of several air carrier accidents and they have been under consideration for some time. These matters were the substance of a notice of proposed rule making which was published in the Federal Register (17 F R. 8022) and circulated as Civil Air Regulations Draft Release No. 52-26 dated August 29, 1952. As a result of comment received, it appeared desirable to arrange a meeting with representatives of industry to discuss particular issues. Such a meeting was held in Washington. D. C., on November 25, 1952, at which the general intent of each proposal was thoroughly discussed and specific changes in the wording of the rules were proposed.

As a result of comment received in response to Draft Release No. 52-26 and

the discussions at the subsequent industry meeting, the proposals were revised and a new notice of proposed rule making was published in the FEDERAL REG-ISTER (18 F R. 4744) and circulated as Civil Air Regulations Draft Release No. 53-15 dated August 10, 1953. Since a substantial lapse of time occurred following the issuance of Draft Release No. 53-15, and because of the changes made as a result of comment received on the revised proposals, the Board decided to publish the proposed rules again prior to taking any final action. Accordingly, the proposed rules were published in the FEDERAL REGISTER (20 F. R. 1016) and circulated as Civil Air Regulations Draft Release No. 55-5 dated February 10, 1955. The comment received in response thereto has been considered by the Board in the drafting of this amendment. The following are summaries of the regulatory changes made by this amendment:

1. Means of emergency evacuation. There are no requirements in Part 42 of the Civil Air Regulations for evacuation equipment to assist passengers in evacuating an airplane on the ground. Experience has shown, however, that in certain instances it is essential that some means be provided in addition to those required by the applicable airworthiness requirements. Accordingly, this amondment requires that at all emergency exits which are more than 6 feet from the ground means be provided to assist the occupants in descending from the airplane. At floor level exits approved as emergency exits, such means for emorgency evacuation shall be a chute or an equivalent device which will be suitable for the rapid evacuation of passengers. The Board intends that this means shall be in a position for ready use during flight time (as defined by the Civil Air Regulations, "Flight Time" includes that time during which the airplane is taxiing) and so located that it will not create a hazard by obstructing any emergency exit. As an example, certain of the air carriers have already installed chutes immediately above exit doors or on brackets attached to the fuselage immediately adjacent to the doors. An approved chute so located is in a position for "ready use" within the meaning of the new section.

2. Interior emergency exit markings. This amendment requires, in addition to markings, the installation of a light in all passenger-carrying large aircraft to eliminate all emergency exits in such a manner as to attract the attention of the occupants of the airplane at night. The object of this requirement is to ensure that in the case of a crash landing or ditching at night the passengers and crew will be able to identify and operate emergency exits. It is further required that these lights be equipped with an integral energy supply system. Since Draft Release No. 55-5 was circulated, the Board has determined that a light designed only for manual operation, if designed to withstand the impact forces of a crash landing and continue operation, will serve as a suitable alternative to an automatic light to provide emergency lighting at those times when it is most likely to be needed. Accord-

ingly, this amendment requires that these lights either (1) be designed to function automatically in the event of a crash landing and to continue to function thereafter and also be operable manually, or (2) be designed only for manual operation and also to continue to function after a crash landing. When such lights require manual operation to function, they must be turned on prior to each night take-off and landing. With respect to the automatic light, any approved system, whether it is designed to operate as a result of mertia forces or upon failure of the main electrical system, will be satisfactory as long as it meets the two requirements; namely, it will function automatically in the event of a crash landing and continue to function thereafter, and it is also operable manually.

3. Equipment for extended overwater operations. This amendment modifies and expands the current provisions to require irregular air carriers in extended overwater operations to have on their airplanes suitable equipment in the form of life vests, life rafts, signaling devices, and survival kits. This equipment is required to be installed in conspicuously marked approved locations where it will be easily accessible in the event of ditching.

An intensive investigation of ditching operations, including tests of life-raft capacity, has recently been conducted by the Civil Aeronautics Administration and the United States Navy in cooperation with other government agencies and interested aeronautical organizations. The Board has been advised that analysis of the results of these tests has not-yet been accomplished. quently, as indicated in Draft Release No. 55-5, pending development of satisfactory criteria of life-raft capacity, the Board is not taking any action at this time to require that such life rafts possess sufficient maximum capacity to accommodate all occupants in the event of a loss of one life raft of the largest capacity on board. In view of the foregoing, this amendment does not change the requirement that airplanes on extended overwater flights carry life rafts sufficient in number and of such rated capacity as to accommodate all occupants of the airplane.

The Board is also concerned by the lack of any current requirement that life jackets and life rafts be equipped with a means of illumination which would materially assist in the rescue of persons from the water at night. Although such a light is not yet available. the Board has recently been informed that progress is being made toward the development of a serviceable, reliable, lightweight, inexpensive light of indefinite shelf life, adaptable to such use. Therefore, the Board will consider further whether a means of illuminating life jackets and life rafts should be required when it has determined that developments are sufficiently mature to warrant such action.

The Board has carefully studied the various proposals submitted with respect to a definition of extended overwater operation as applied to scheduled and

irregular operations and considers that the distance of 50 miles is a reasonable measure of such operations. Since there may exist particular operations which would require or permit some flexibility in the administration of the rule, the Administrator is authorized to require the carriage of all of the prescribed equipment, or any item thereof, for any operation over water if he finds that the standards of safety appropriate for air carrier operations so require. The rule also permits the Administrator to determine, upon application of an air carrier, how much, if any, of the equipment will be required for each extended overwater operation. Unless otherwise specified by the Administrator, the equipment required herein will be carried in all extended overwater operations.

4. Assignment of emergency evacuation functions for each crew member. This amendment requires each air carrier to assign emergency functions for each crew member to perform in the event of circumstances requiring emergency evacuation. The objective of this requirement is to assure that each crew member will know, and be able to perform, those basic functions which are necessary in order to accomplish an emergency evacuation. The "emergency" for which this rule requires each crew member to be prepared is that of evacuating the airplane. Although innumerable types of emergencies may arise in flight which may necessitate an emergency evacuation of an airplane, the Board is of the opinion that the procedures to be followed in evacuating an airplane remain limited in number. Therefore, it is considered reasonable, and it is the intent of this rule, to require that each crew member be prepared to perform emergency evacuation functions when necessitated by various general situations; for example, ditching, fire in flight, and landing gear collapse. This rule will not, of course, limit the authority of the pilot in command over crew members with respect to the assignment of duties under the particular conditions of an emergency.

The Board has always based its rules on the premise that wherever possible the air carrier should be responsible for assigning crew duties. It has been brought to the attention of the Board, however, that in certain instances crew duties are not sufficiently delineated and crew training programs are not sufficiently complete to provide proper coordination of the crew in the event of a crash landing or ditching. The Board considers that it is necessary to ensure that assigned crew duties are realistic, and do not, for example, require an individual to be assigned certain tasks which are not problable of accomplishment under the conditions anticipated. Therefore, these functions are required to be listed in the air carrier manual and all crew members must be made thoroughly familiar with them during both initial and recurrent training. In addition, the air carrier must show that the functions so assigned are practicable of accomplishment.

5. Briefing of passengers. This amendment requires each air carrier engaged in extended overwater operations

to establish a procedure for orally briefing passengers in order to ensure that they will be familiar with the location and method of operation of life vests and emergency exits, and the location of life rafts. Such briefing must include a demonstration of donning life jackets.

The Board considers that it is in the public interest to attain the increased safety sought by these rules at the earliest opportunity. At the same time it recognizes that certain of the requirements involving physical changes to airplane structures and the procurement of additional equipment would be unduly burdensome unless an appropriate period of time for planning, procurement, and installation is allowed. Accordingly, a majority of these rules need not be complied with for approximately 18 months. However, the rules involving procedures only must be complied with in approximately 6 months.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment contains rules which need not be compiled with for at least 6 months, it may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) effective November 28, 1955:

1. By amending § 42.1 by adding the following definition in alphabetical order:

§ 42.1 Definitions. * * *

Extended overwater operation. An extended overwater operation shall be considered an operation over water conducted at a distance in excess of 50 miles from the nearest shore line.

- 2. By amending § 42.24 to read as follows:
- § 42.24 Emergency and safety equipment. After May 31, 1957, the equipment required in §§ 42.24a, 42.24b, and 42.24c shall be approved.
- 3. By adding new §§ 42.24a, 42.24b, and 42.24c to read as follows:
- § 42.24a First-aid kits and emergency equipment. Each airplane shall be equipped with a conveniently accessible first-aid kit adequate for the type of operation involved. Airplanes operated over routes requiring flights for long distances over uninhabited terrain must carry such additional emergency equipment as appropriate for the particular operation involved.
- § 42.24b Equipment for overwater operations. (a) The following equipment shall be required for all extended overwater operations: Provided, That the Administrator, after appropriate investigation, may require the carriage of all of the prescribed equipment, or any item thereof, for any operation over water, or upon application of an air carrier, permit deviation from these requirements for a particular extended overwater operation:
- (1) Life vest or other adequate individual flotation device for each occupant of the airplane;

- (2) Life rafts sufficient in number and of such rated capacity and buoyancy as to accommodate all occupants of the airplane;
- (3) Suitable pyrotechnic signaling devices; and
- (4) One portable emergency radio signaling device, capable of transmission on the appropriate emergency frequency or frequencies, which is not dependent upon the airplane power supply and which is self-buoyant and water-resistant.
- (b) All required life rafts, life vests; and signaling devices shall be easily accessible in the event of a ditching without appreciable time for preparatory procedures. After May 31, 1957, this equipment, shall be installed in conspicuously marked approved locations.
- spicuously marked approved locations.
 (c) A survival kit, appropriately equipped for the route to be flown, shall be attached to each required life raft.
- § 42.24c Emergency evacuation equipment-(a) Means for emergency evacuation. After May 31, 1957, on all passenger-carrying airplanes, at all emergency exists which are more than 6 feet from the ground with the airplane on the ground and with the landing gear extended, means shall be provided to assist the occupants in descending from the airplane. At floor level exits approved as emergency exits, such means shall be a chute or equivalent device suitable for the rapid evacuation of passengers. During flight time this means shall be in a position for ready use: Provided, That the requirements of this paragraph do not apply to emergency exits over the wing where the greatest distance from the lower sill of the exit to the wing surface does not exceed 36 inches.
- (b) Interior emergency exit markings.
 (1) After May 31, 1957, all emergency exits of large aircraft, their means of access, and their means of opening shall be marked conspicuously. The identity and location of emergency exists shall be recognizable from a distance equal to the width of the cabin. The location of the emergency exit operating handle and the instructions for opening shall be marked on or adjacent to the emergency exit and shall be readable from a distance of 30 inches by a person with normal eyesight.
- (2) After May 31, 1957, for night operations, a source or sources of light, with an energy supply independent of the main lighting system, shall be installed in large aircraft to illuminate all emergency exit markings. Such lights shall be designed to function automatically in a crash landing and to continue to function thereafter and shall also be operable manually or shall be designed only for manual operation and also to continue to function following a crash landing. When such lights require manual operation to function, they shall be turned on prior to each night take-off and landing.
- 4. By adding a new § 42.49 to read as follows:
- § 42.49 Assignment of emergency evacuation functions for each crew member After May 31, 1956, each air carrier

shall assign all necessary emergency functions for each crew member to perform in the event of circumstances requiring emergency evacuation. The air carrier shall show that functions so assigned are practicable of accomplishment. These functions shall be described in the air carrier manual.

5. By amending § 42.59 to read as follows:

§ 42.59 Briefing of passengers. After May 31, 1956, each air carrier engaged in extended overwater operations shall assure that all passengers are briefed orally concerning the location and method of operation of life vests and emergency exits and the location of life rafts. The procedure to be followed in presenting this briefing shall be described in the air carrier manual. Such a briefing shall include a demonstration of the method of donning and inflating a life vest. Where the airplane proceeds directly over water after take-off, the briefing on location of the life vests and emergency exits shall be accomplished prior to take-off, and the remainder of the briefing shall be accomplished as soon thereafter as practicable. Where the airplane does not proceed directly over water after take-off, no part of the briefing need be accomplished prior to take-off but the entire briefing shall be accomplished prior to reaching the overwater portion of the flight.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554, 555)

By the Civil Aeronautics Board.

[SEAL]

M. C. Mulligan, Secretary.

[F. R. Doc. 55-9672; Filed, Dec. 1, 1955; 8:49 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

Subchapter A-Procedural Regulations

[Amdt. 2]

PART 410—DELEGATION OPTION PROCE-DURES FOR CERTIFICATION OF SMALL AIRPLANES

DATA AND RECORDS

Appendix A to Title 1 was added in 20 F R. 2217, April 8, 1955, to furnish a guide to show what non-Federal records must be kept, who must keep them, and how long they must be kept. Accordingly, 14 CFR Part 410 is amended as follows:

- 1. Section 410.39 (a) (1) is amended by adding a final sentence as follows: "This file shall be retained for the duration of the manufacturer's operation under the delegation option procedure."
- 2. Section 410.39 (a) (2) is amended by adding subdivisions (i) (ii) and (iii) as follows:
- (i) A complete inspection record for each airplane produced according to serial number and data covering the processes and tests to which materials and

parts are subjected. These records shall be retained for 2 years.

(ii) The report required to be submitted with the original application for the production certificate and amendments thereto. This report shall be retained for the duration of the manufacturer's operation under the delegation option procedure.

(iii) The factory inspection reports specified in § 410.33 (b) and (c) These factory inspection reports shall be re-

tained for 2 years.

3. Section 410.39 (a) (3) is amended by adding a final sentence as follows: "This record shall be retained for the duration of the manufacturer's operation under the delegation option procedure."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 603, 52 Stat. 1009, as amended, sec. 310, 64 Stat. 1080; 49 U. S. C. 553, 460)

This amendment shall become effective December 15, 1955.

[SEAL] F B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-9645; Filed, Dec. 1, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Servico
I 7 CFR Part 941 1

[Docket No. AO-101-20]

MILK IN CHICAGO, ILLINOIS, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 601 et seq.). and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the seventh day after publication of this decision in the Federal Reg-ISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed

amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Chlcago, Illinois, on July 5–8, 1955 pursuant to notice thereof which was issued on June 14, 1955 (20 F. R. 4256) and June 28, 1955 (20 F. R. 4690)

The material issues on the record of the hearing were:

- 1. Whether Kankakee, Will County, and Lake County, all in Illinois, or portions thereof, should be added to the marketing area;
 - 2. Class I price differentials;
- 3. General changes in accounting for milk, including use of a skim milk and butterfat system of accounting;
- 4. Special classification and price for milk used in the manufacture of American Cheese:
- 5. Revision of differential to producers with respect to milk received in the marketing area;
- 6. Revision of the base-excess method of paying producers, including changes in the calculation of bases, changes in base rules, and calculation of base and excess prices.
- Allocation of class utilization to own farm production;
- 8. Application of the 70-cent differential added in the case of bulk Class I and Class II milk moved outside the surplus milk manufacturing area;
- 9. Pool plant approval on the basis of shipments to plants distributing in the marketing area, and
- 10. Establishment of order prices at locations where milk is transferred from the tank truck in which it was picked up at the producer's farm to another tank truck.

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence contained in the record of the hearing:

- 1. Marketing area. No change should be made in the marketing area. Proposals were made to add Kankakee County, Will County, and Lake County, all in Illinois, or parts thereof, to the marketing area. Parts of Will County and Lake County are now in the marketing area.
- At the hearing, the proposals were supported only with respect to Crete Township in Will County, and the portion of Lake County not now in the marketing area.

It was testified, with respect to both of these areas for which inclusion was asked, that no additional milk would be regulated under the order. The reason given, in each case, for the additional area, was to include the proponent's plant in the marketing area, thus enabling-the plant to pay the higher price applicable to milk received in the marketing area. It was explained that these operators experienced difficulty in holding producers in competition with plants in the marketing area.

Inasmuch as the difficulty brought out in testimony was only a matter of competition between regulated handlers for producers, this is not a basis for expanding the area of regulation. The additions to the marketing area are denied.

2. Class I price differentials. The Class I price differentials should be \$1.10

for the months of August through November, and 80 cents in other months.

Proposals were made by producer associations to change the Class I price differentials in a manner which would raise the average level and reduce the seasonal range. One proposal was to make the differentials \$1.10 in the months of August through November, and 90 cents in other months. Another proposal would establish a constant differential of \$1.00 year around.

Testimony in support of these proposals was generally based on the following factors: reduced need for seasonal differentials because of the effect of the base-excess plan; increased costs of milk production; and the desire to lessen market problems producers feel to be associated with frequent changes in the Class I price.

Class I differentials now in the order are \$1.10 per hundredweight for August through November, 90 cents for December through February, 70 cents for March through June, and 90 cents in July. The average of these differentials for the year s 90 cents. The effective level of the differentials is modified, however, by a supply-demand adjustment.

It is apparent that the proposal for a \$1.00 differential a year around would raise the annual level by 10 cents per hundredweight. The proposal to have a 90-cent differential for December through July would raise the annual average 6% cents.

An examination of supply and demand conditions does not show a need for an increase in the general level of the Class I price differentials in addition to what has occurred as the result of the automatic price adjustments based on the supply-demand ratio, and what may be expected similarly on the basis of any further changes in supply and demand. Since the beginning of the year, the supply-demand price adjustment has increased from a minus 24 cents per hundredweight to a minus 4 cents in November. (Official notice is taken in this connection of data published by the market administrator.)

The record shows that during the first five months of 1955, the volume of Class I sales had increased about 5 percent over a year earlier. In the same period, receipts from producers were down more than 6 percent. Effective August 1, this year the supply-demand ratio calculation was changed so that it would be more responsive to recent changes in supply and disposition. As a result, producers' prices are already affected by the improvement in utilization which has occurred this year.

Even with the changes in utilization already noted, data and testimony in the record indicate the market will continue to have an adequate supply under present price formulas. Accordingly, it is concluded no change should be made in the annual level of the Class I differentials.

Producer testimony on Class I differentials favored reducing the amount of seasonal variation in the differentials. It was contended that, with the base and excess plan in effect, a more moderate variation in the differentials would be appropriate. Handlers contended, how-

ever, that some seasonal variation is important so that they can maintain their competitive position with respect to sales in nearby markets.

It has been concluded herein that no change should be made in the annual ·level of the differentials. Nevertheless, a seasonal schedule of differentials with less variation could be devised. A schedule of differentials using 80 cents for the December-July period, and \$1.10, as now, for the August-November period, would have the advantage of giving greater incentive under the base plan, and yet would retain some seasonal variation. With respect to sales outside the marketing area, handlers would benefit by reduced cost in January, February, July and December to the same amount as their cost would be increased in the months of March through June. It is concluded that this schedule should be adopted.

3. Accounting. No change should be made on the basis of this record in the system of accounting for milk.

Proposals were made on the record to change entirely or partially the order accounting system, from the present milk equivalent method, to a method which accounts for skim milk and butterfat separately.

It is apparent on the record that most interests in the milk trade are generally satisfied with the present system of accounting. Only one handler advocated a complete revision of the accounting system. One producer group proposed separate accounting for butterfat and nonfat solids in ice cream. The same group, however, as well as handlers of most of the milk, opposed a general change in the accounting system at this time. The change with respect to ice cream was also opposed by handlers. Apparently resistance to a complete change to butterfat and skim milk accounting arises largely from uncertainty among the trade as to what the effects would be on the cost of products.

It is apparent from the testimony that the problem involves appropriate pricing as well as accounting for the butterfat and nonfat components of these products. It is not feasible to accomplish this purpose without a change in accounting with respect to all utilizations. A partial change would unduly complicate the accounting. The same is true with respect to proposed changes in methods of reconciliation.

Under the circumstances, it is concluded no change should be made in the accounting system at this time.

4. Cheese price formula. Milk used in the manufacture of American Cheese should continue to be classified and priced the same as other uses in Class IV

A proposal made by producer groups would establish a special class and price for milk used in American Cheese. The proposed formula price is the same as proposed at a previous hearing, June 1-4, 7-11, and 14-15, 1954. The proposal as made on the June 1954 record was denied in a decision issued November 23, 1954 (19 F. R. 7693)

The formula would establish a per hundredweight price for milk on the basis of the following calculations: 9.745 x the price of State Brand Cheddar Cheese on the Plymouth Exchange, plus 0,3 x the price of Grade A (92-score) butter at Chicago, less 46.8 cents.

A supplementary proposal was that this formula should also serve as an alternative for the basic formula price.

The immediate effect of using the proposed formula would be a reduced value for part of what is now Class IV milk. In 1953 it would have averaged eight cents lower, in 1954, about 14 cents (lower, and in March 1955, 16 cents lower than the Class IV price. In some prior periods it would have yielded a higher price than the Class IV price.

Proponents of the new price formula argued that this price relationship would be reasonable, since they claimed that cheese factories are not able to pay as much as butter-powder operations under current conditions, including the effect of the price support program. However, much evidence in the record was in disagreement with this contention.

Data as to prices paid by cheese factories and creameries in the United States since the beginning of 1948 show that at times the cheese factories have overpaid the creameries, and at other times the reverse has been true. In general, the paying prices of the two types of operations have moved upward or downward together, with only a small percentage of difference.

On a regional basis, prices paid by cheese factories in the East North Central States (Wisconsin, Illinois, Indiana, Michigan and Ohio) have averaged as high as, or higher than, prices paid by creameries, in each of the four years 1950–54. Other data in the record showed, for a group of cheese plants in Wisconsin, paying prices at the same level in recent months as the Class IV price.

Besides the immediate effect the proposed formula would have in reducing the value of all producer milk, there would be a tendency to encourage additional manufacturing operations to enter the pool. This would reduce the uniform price to all producers. In view of these disadvantages to producers in general, there is a question as to what need would be served by establishing a separate price for milk used in American Cheese at a generally lower level than the present Class IV formula price.

Under a class utilization pricing system, a surplus price serves to assure producers a market for milk in excess of the regular requirements of the market. Such a price should not be lower than needed to accomplish this purpose, for otherwise producer returns are unnecessarily reduced. This record does not show the need for the proposed lower price.

5. Differential in marketing area. No change should be made in the location differential applied to milk received in the marketing area.

The differential, as now effective, is 10 cents per hundredweight over the 70-mile zone price, and applies to milk which moves directly from farms to plants in the marketing area. Of this 10-cent differential, four cents is a

charge against the plant receiving the milk, and the other six cents is, in effect, a payment out of the market-wide pool.

A handler proposed that the part of the differential paid out of the pool should be eliminated. This is the same as a proposal made at a hearing in June 1954, and denied in the decision previously referred to herein, issued November 23, 1954.

It was argued at this hearing that the inner-market differential is not in accord with uniform pricing insofar as part of it is paid out of the pool. Testimony failed to show, however, that the differential is incompatible with uniform pricing of milk, according to the location of the plant where the milk is received, as provided in the Act.

Testimony on this proposal did not indicate that the situation had changed significantly from conditions shown in the June 1954 hearing, except with respect to milk picked up at farms in tank trucks and delivered to the marketing area without being received at a plant outside the marketing area. It was argued that this method of milk procurement was not anticipated at the time the differential was established, and has made the differential work differently from the way intended.

Record data show that bulk tank procurement of milk at-the farm has continued to develop. A relatively new phase of this development has been the practice of reloading the milk from several trucks into a larger truck for movement to the marketing area. method of milk assembly has extended the distance of the bulk movement of milk from farms to area plants. Such milk, under the terms of the order, is entitled to the inner-market differential. In another part of this decision it is concluded that the order should establish the price for such milk at the point of assembly 1. e., the point at which the milk is reloaded from several tank trucks into the truck which delivers the milk to the marketing area. Evidence did not show that there had been any significant change in milk received at plants in the marketing area, aside from milk which had been reloaded as described above.

6. Base-excess plan—(a) Calculation of base and excess prices. No change should be made in the method of calculation of the base and excess prices.

A proposal was made by some cooperative associations of producers to alter the base and excess prices by making the excess price the same as the Class IV price. No location differentials would apply to the excess price under this plan. The base price would then represent the remaining value of producer milk.

Under the base-excess plan now in effect, there is a fixed difference of 40 cents per hundredweight between the base and excess prices. Location differentials apply equally to both base and excess prices, and accordingly the 40-cent difference is maintained in all zones. The base-making period is September through November, and payment on base and excess is made only in the months of March through June.

Proponents of the plan to use the Class IV price as an excess price com-

plained of the low excess price in outer zones of the milkshed under the present method. As an example, it was pointed out that the May 1955 excess price in the 21st zone was \$2.56, as compared to the Class IV price of \$2.93. It was indicated that this condition caused some withdrawal of excess milk from the pool. Nonpool manufacturing plants paid more than such excess price.

It is observed, however, that the average return to a producer in the 21st zone, including both his base and excess milk, is no different from what his average return would be without the baseexcess plan, except insofar as his seasonal variation in production differs from the market-wide average of seasonal variation. It is also observed that the relation of the excess price to the Class IV price is affected by the level of market-wide utilization. A relatively low level of utilization reduces the excess price in relation to the Class IV price. In this connection, the 10-cent higher Class I differential for the basepaying months in 1956, decided upon in another part of this decision, will tend to improve the excess price in relation to the Class IV price. A similar improvement will result from the supply-demand ratio, as amended, effective August 1, 1955, if the same general level of utilization persists.

In the non-base payment months of July through February, producer location differentials apply alike to all milk. The similar application of location differentials in base payment months results in the same allocation of the value of pool milk with respect to location, as in other months. The record does not justify a greater allocation of such value to outer zones in these months (such as would result from the proposed plan) than would be the case without the base plan.

(b) Calculation of bases. The amount of base milk for producers who have not earned a base, or who relinquish an earned base, should be 65 percent of deliveries in March 1956, 60 percent of deliveries in April 1956, 55 percent in May and June 1956, and five percent less than these percentages in the same months of subsequent years. Producers should be allowed until January 15 to elect the option of relinquishing an earned base.

Order provisions allow a producer until December 31 of any year to decide whether he wishes to retain his earned base or take a base calculated the same as for a new producer. For the 1955 season, a new producer's base was calculated for the several months as follows: For March, 65 percent of his average daily deliveries in the month, for April, 60 percent, and for May and June, 55 percent. Beginning with 1956, new producer bases would be calculated as 10 percent less than the average percentage of base milk calculated for the same month of the previous year with respect to producers with earned bases.

Proposals were made to reduce or eliminate the opportunity for a producer to relinquish his earned base in favor of a new base. These proposals were directed towards giving a greater mentive for producers to earn a satisfactory base during the September-November base-earning period. The magnitude of the problem is shown by the fact that for 1955, there were 4,888 producers who relinguished their bases.

One proposal was made to eliminate the option to claim a new base after January 15, 1956. Another proposal was made to change the 10 percent deduction which would begin to be effective in 1956, to be instead a deduction of 15 percent effective for the base-paying period of 1957, and 20 percent in 1958 and subsequent years.

The present provisions of the order serve to allow producers who experience hardship in earning a base, the same opportunity for sharing in the market as a producer entering the market during the base-payment period. It would appear that this feature of the order could be retained, and yet not render the plan meffective m giving incentive for earning a base. Testimony generally favored continuation of use of optional bases through the 1956 base-payment period. In this connection, since producers have had a year of experience in adjusting their production to the base-excess plan it is possible there will be less cause for relinquishing earned bases than last season. However, the manner in which optional bases would be computed for the March-June 1956 period would appear to be more liberal than used in the prior season. Since this condition would tend to lessen the effectiveness of the base plan, it is preferable to retain the fixed percentages of deliveries for the 1956 base-paying period to serve as the method for computing an optional base. For subsequent years, the amount of optional base allowed should be reduced, as producers will have had greater opportunity to adjust their production. Beginning with the 1957 base-paying period, the percentages of base milk allowed to new producers and as optional bases should be 60 percent of deliveries in March, 55 percent in April, and 50 percent in May and June.

It was proposed that the period for allowing a producer to relinquish an earned base be extended from December 31, this year, as now provided, to January 15, 1956. Such an extension would give producers additional time to submit a notice of adopting new producer status, without interfering with the operation or administration of the base-excess plan. It is concluded that this change should be adopted with respect to bases earned in 1955 and subsequent years.

(c) Base rules. The following changes should be made in base rules:

Producers with more than one farm should be allowed to establish a base for each farm and relinquish a base for one farm without doing so for his other farms; if more than one producer ships from a farm, one base should be computed for the farm, and be allocated to each producer according to his share in the sale of milk from the farm; provision should be made for division of a jointly held base; provision should be made to allow a producer to transfer credit towards establishment of a base in the same manner as he may transfer a base. The base rules should not be amended to allow a base to be earned on milk delivered to nonpool plants.

Testimony indicated that a number of producers with multiple farms found themselves at a disadvantage in that they could not relinquish a base and take the option of new producer status under the same circumstances as producers with a single farm. Present rules require that a producer with more than one farm must relinquish bases earned on all his farms, if he relinquishes the base on one farm. It was testified there would be little danger of manipulation if a producer were allowed to elect the optional base on each farm separately. The proposed change is adopted in the proposed amendment attached hereto.

An additional base rule was proposed by the Dairy Division with respect to farms where there are two or more producers. Under the proposal, each producer would share in the base, during March, April, May, and June, in the same proportion each month as he shares in the milk deliveries. This provision will serve to clarify administration of the base plan and should be adopted. Another provision proposed by the Dairy Division would allow producers having an interest in a jointly held base to divide the base upon notice to the market administrator within the month in which the division is effective. It would be provided, however, that if producers holding a joint base cease producing milk, and do not notify the market administrator of the terms of division, it shall be divided in the same proportion as they shared in milk deliveries during the base-making period. except that in the case of a partnership, the base shall be divided equally among the producers. This provision appears to be in accord with the experience in administration of the base plan, and will provide a specific method of division of bases.

An additional provision should be included to allow transfers of credit towards an earned base by a producer who discontinues shipping milk during the base-earning period.

It was proposed that a producer who has not earned a base on this market be allowed a base computed on his record of deliveries to another market.

Testimony in opposition to this proposal stressed the danger that dairy farmers, who in the short season sell in secondary markets where no base plans exist, might take advantage of such a provision to exploit the producer pool in this market during the base-payment months. There does not appear to be a real need for such, a provision, inasmuch as a base allowance is provided for new producers.

7. Allocation of own farm production. The order should be changed to be explicit as to the method of prorating "own farm" production.

The order provides in § 941.45 (a) that a handler's own farm production he subtracted pro rata from the pounds of milk in each class. The method of prorating to each class is to assign the same percentage of this milk to each class as the handler's total utilization in such class is of his total receipts.

It was proposed by a handler, having own farm production, that the order be amended to provide a different method of proration. An exhibit presented at the hearing compared the present method of allocation with the proposed method. This exhibit shows that under the present method of allocating own farm production, the money value per hundredweight of the milk from a handler's own farm is equal to the money value per hundredweight of other milk which is pooled. The proposed method on the other hand gives different money values to own farm production and producer milk. This record does not support changing the relative values of own farm production and producer milk. Accordingly, it is concluded that the present method of prorating own farm production should be continued. The method should be explicitly set forth in the order.

8. Price for sales outside the surplus milk manufacturing area. No action relative to the provision for 70 cents additional Class I and Class II price on sales outside the surplus milk manufacturing area should be taken on this record. Before further action is taken, this year's experience with the provision needs to be evaluated.

On the basis of the hearing on August 24, 1955, this provision was amended to free week-end shipments from the provision for October and November 1955. Also this provision was set aside by suspension actions for September this year. and, subsequent to the amendment referred to, for November this year. The effects of such steps, as well as market experience with the provision this year. should become a part of the record of any hearing for considering whether beneficial effects can any longer reasonably be expected from this provision, and, if so, whether they might be enhanced by further amendment.

On this record, testimony in regard to this provision was conflicting. A few producer associations, arguing for its elimination, contended that it had become essentially detrimental to producers. Such argument was based on data showing changed conditions in the interstate and inter-regional trade in fluid milk, and in supply conditions of the Chicago area trade, and how the provision seems to have affected the marketing and prices of producer milk. Other parties, including most handlers as well as associations of producers representing the majority of producers, while admitting changed conditions as revealed by the data, supported the provision in its present or some modified form: Doubtless, evidence from this year's experience would contribute something to an appraisal of this provision. Since it will not again apply until next Fall, it may be examined in the light of this year's experience as well as its previous history.

9. Pool plant approval. The proposal to delete § 941.66 (c) is denied. No testimony was offered on this proposal.

10. Pricing at reloading points. Producer milk moved from the farm in a bulk tank truck and reloaded into another tank truck before entering a plant should be priced at the point of reloading.

A proposal was made on the record to establish order prices at locations where milk is reloaded, from the tank trucks which have brought the milk from farms, into a larger tank truck for movement to a plant. The proposal contemplated that the zone differentials, applicable in the case of milk reloaded in the manner described, would be the same as now applied in the case of plants, except that for milk reloaded in the marketing area the location differential would be four cents over the 70-mile zone price.

The evidence showed continued development of the practice of collecting milk from producers' farms in tank trucks. In March-1955, milk was obtained from 1398 producers in this manner as compared to 1040 in the prior November. Another recent development is the practice of transferring into a larger tank truck the loads from several trucks which have collected the milk from Such reloading as accomplished without the milk entering a plant. It was testified that the health authority for Chicago has required that such transfers take place at approved facilities equipped for washing the tanks. In every case the reloading takes place at an established location.

The order now establishes minimum producer prices at the plant where the milk is first received. It is at this stage in the marketing process that milk received in cans, which currently represents most of the milk for the market, is accepted by the handler, and loses its identity as the milk of any particular producer. Plant prices are established throughout the supply area by the application of zone differentials based upon the cost of moving the milk to the market. The producer is thus assured of the order price, subject, of course to hauling and miscellaneous charges, at a plant with which he may establish a regular business connection. The same conditions apply to milk collected at farms in tank trucks and brought directly to a plant, except that such milk is accepted prior to arrival at the plant.

The development of reload points raises the problem as to whether, under present order provisions, the producer can be assured that his milk is similarly fully subject to order regulation, as in the case of milk moving directly to a plant. It is observed that the reloading operation makes it practically impossible for the individual farmer to know the actual plant destination of his milk. If producer prices under the order could be established at reload points, the producer would be assured of (1) a more definite association with the market, and (2) order prices for all of his milk moving to the reloading points.

It is apparent that milk transferred at a reload point has been accepted by the handler. The milk has already lost its identity, inasmuch as it has been commingled with other milk. Furthermore, the reloading operation provides a definite location for establishing a price, and the substantialness of the operation provides a basis for assigning responsibility for the milk under the order. For the handler, the reload point serves as a

A proposal was made on the record to tablish order prices at locations where ilk is reloaded, from the tank trucks for have brought the milk from farms, to a larger tank truck for movement to plant. The proposal contemplated marily for supplying this market.

In view of the circumstances described, it appears that the function of a reload point is sufficiently similar to the function of pool plants as now defined so that a reload point may be considered to be a type of pool plant. Such a treatment of reload points under the order would mean that all qualified milk handled at the reload point would be producer milk. This appears to be a logical extension of the method of pricing now employed under the order, and it should be adopted.

General findings. (a) The tentative marketing agreement and the order, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act:

(b) The parity prices of milk as determined pursuant to § 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Rulings. Briefs were filed on behalf of interested persons. The briefs contained suggested findings of facts, conclusions, and arguments with respect to the proposals considered at the hearing. Every point covered in the briefs was carefully examined along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied.

Recommended marketing agreement and amendment to the order, as amended. The following amendment to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further

- 1. Add a new § 941.19 as follows:
- § 941.19 Reload point. "Reload point" means any location at which milk moved from the farm in a tank truck is reloaded into another truck before entering a plant.
- 2. Delete § 941.45 (a) and substitute the following:
- (a) Subtract from the pounds in each class the pounds of milk received from a handler's own farm production as follows:

(1) Determine the total quantity of milk, skim milk, and 3.5 percent milk equivalent of the butterfat in cream received by the handler from all sources;

(2) Determine the percentage that the quantity of milk in each class, computed pursuant to § 941.44, is of the quantity of milk computed pursuant to subparagraph (1) of this paragraph,

(3) Multiply the pounds of milk in own farm production by the percentages computed in subparagraph (2) of this paragraph and subtract the resulting pounds from the pounds of milk in the respective class.

3. In § 941.65 (a) after the word "plant" insert a comma and the words "or reload point,"

4. In § 941.66 delete the words preceding paragraph (a) and substitute the following:

§ 941.66 Pool plant. "Pool plant" means any plant or reload point which receives milk from dairy farmers and which:

5. In § 941.69 (a) (1) delete the words "December 31" and insert the words "January 15 preceding the months in which the base applies,"

6. Delete § 941.69 (a) (2) and substitute the following:

(2) Any producer who has not earned a base by deliveries during the previous September, October and November, and any producer who elects to relinquish his base pursuant to subparagraph (1) of this paragraph, shall be allotted a base for each of the delivery periods of March, April, May and June equal to the following percentages of his average daily deliveries:

Month: Perce	ntage
March	60
April	55
May	50
June	50

Provided, That for March, April, May and June 1956, the percentages used shall be, respectively, 65, 60, 55 and 55.

- 7. Delete § 941.69 (b) (3) and substitute the following:
- (3) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be jointly held in the names of the producers. During March, April, May and June, each producer having an interest in a jointly held base shall share the base during each delivery period in the same proportion as he shares in the milk deliveries in such delivery period.

- 8. Renumber § 941.69 (b) (4) as § 941.69 (b) (5) and insert a new sub-paragraph (4) as follows:
- (4)-A jointly held base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day of the month during which the division is to be effective, such notification to specify the terms of division of base and bearing the signatures of all interested producers: Provided, That in the event producers holding a joint base cease producing milk

from the same farm, and do not notify the market administrator of their agreed terms of division of base by letter postmarked not later than the last day of the month during which the division is effective, the market administrator shall divide the base among the producers in the same ratio as they shared in the milk deliveries during the base-making period, or if the base is held in the name of a partnership, it shall be divided equally among the interested producers.

9. In § 941.69 (b) insert subparagraph (6) as follows:

(6) Subject to the provisions set forth in subparagraph (2) of this paragraph, a producer who discontinues shipping milk to a pool plant during September, October or November may transfer to another producer credit for milk deliverles for base making purposes.

Issued at Washington, D. C., this 29th day of November, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-9666; Filed, Dec. 1, 1955; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

[1955 Dept. Circular 971]

25/8 PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES D-1956

OFFERING OF CERTIFICATES

NOVEMBER 28, 1955.

- I. Offering of certificates. 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for certificates of indebtedness of the United States, designated 25% percent Treasury Certificates of Indebtedness of Series D-1956, in exchange for 11/4 percent Treasury Certificates of Indebtedness of Series E-1955, maturing December 15, 1955, or 1¾ percent Treasury Notes of Series B-1955, maturing December 15, 1955. Exchanges will be made at par with an adjustment of interest as of December 1, 1955. The amount of the offering under this circular will be limited to the amount of maturing certificates and notes tendered in exchange and accepted. The books will be open only on November 28 through November 30 for the receipt of subscriptions for this issue.
- 2. In addition to the offering under this circular, holders of the maturing securities are offered the privilege of exchanging all or any part of such securities for 2% percent Treasury Notes of Series A-1958, which offering is set forth in Department Circular No. 972, issued simultaneously with this circular.
- II. Description of certificates. 1. The certificates will be dated December 1, 1955, and will bear interest from that date at the rate of 2% percent per annum, payable with the principal at maturity on December 1, 1956. They will not be subject to call for redemption prior to maturity.
- 2. The income derived from the certificates is subject to all taxes imposed under the Internal Revenue Code of 1954. The certificates are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter im-

posed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

- 3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.
- 4. Bearer certificates will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, \$100,000, \$100,000, \$100,000, \$500,000, The certificates will not be issued in registered form.
- 5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.
- III. Subscription and allotment. 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.
- 2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of certificates applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.
- IV. Payment. 1. Payment at par for certificates allotted hereunder must be made on or before December 8, 1955, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series E-1955 or Treasury Notes of Series B-1955, maturing December 15, 1955, which will be accepted at par, and should accompany the subscription. Coupons dated December 15, 1955, must be attached to the certificates and notes when surrendered, and accrued interest from December 15, 1954, to December 1, 1955 (\$12.02055 per \$1,000) in the case of the certificates, and accrued interest from June 15, 1955, to December 1, 1955 (\$8.0806 per \$1,000) in the case of the notes, will be paid on December 8 following acceptance of the securities to be exchanged.

- V. General provisions. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.
- 2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] W. RANDOLPH BURGESS, Acting Secretary of the Treasury.

[F. R. Doc. 55-9662; Filed, Dec. 1, 1955; 8:47 a.m.]

[1955 Dept. Circular 972]

27% Percent Treasury Notes of Series A-1958

OFFERING OF NOTES

NOVEMBER 28, 1955.

- I. Offering of notes. 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for notes of the United States, designated 23% percent Treasury Notes of Series A-1958, in exchange for 11/4 percent Treasury Certificates of Indebtedness of Series E-1955. maturing December 15, 1955, or 1% percent Treasury Notes of Series B-1955, maturing December 15, 1955. Exchanges will be made at par with an adjustment of interest as of December 1, 1955. The amount of the offering under this circular will be limited to the amount of maturing certificates and notes tendered in exchange and accepted. The books will be open only on November 28 through November 30 for the receipt of subscriptions for this issue.
- 2. In addition to the offering under this circular, holders of the maturing

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securities are offered the privilege of exchanging all or any part of such securities for 2% percent Treasury Certificates of Indebtedness of Series D-1956, which offering is set forth in Department Circular No. 971, issued simultaneously with this circular.

II. Description of notes. 1. The notes will be dated December 1, 1955, and will bear interest from that date at the rate of 2% percent per annum, payable on a semiannual basis on June 15 and December 15, 1956, and thereafter on June 15-and December 15 in each year until the principal amount becomes payable. They will mature June 15, 1958, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed onthe principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to se-

cure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, \$1,000,000, \$1,000,000, \$100,000,000 and \$500,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. Subscription and allotment. 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for and any action he may take in these respects shall be final. Subject to these reservations. all subscriptions will be allotted in full. Allotment notices will be sent out

promptly upon allotment.

IV Payment. 1. Payment at par for notes allotted hereunder must be made on or before December 8, 1955, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series E-1955 or Treasury Notes of Series B-1955, maturing December 15, 1955, which will be accepted at par, and should accompany the subscription. Coupons dated December 15, 1955, must be attached to the certificates and notes when surrendered, and accrued interest from December 15, 1954, to December 1, 1955 (\$12.02055 per \$1,000) in the case of the certificates, and accrued interest from June 15, 1955, to December 1, 1955 (\$8.0806 per \$1,000) in the case of the

notes, will be paid on December 8 following acceptance of the securities to be exchanged.

V General provisions. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

W RANDOLPH BURGESS, Acting Secretary of the Treasury.

[F. R. Doc. 55-9663; Filed, Dec. 1, 1955; 8:47 a. m.1

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

COLORADO RIVER STORAGE AND YUMA PROJECTS, ARIZONA

ORDER OF REVOCATION

DECEMBER 16, 1954.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Orders of July 2, 1902, September 30, 1904, and March 14, 1929, insofar as said orders affect the following described lands: Provided, however That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described.

GILA AND SALT RIVER MERIDIAN, ARIZONA

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T. 9 S., R. 21 W.,
   Sec. 4, all;
  Sec. 5, N½, SE¼,
Secs. 6 to 9 incl., and 16 to 18 incl., all.
T. 9 S., R. 22 W.,
   Sec. 2, S1/2,
   Sec. 3, E½SE¼,
Sec. 9, E½SE¼, SW¼SE¼,
Secs. 10 to 15 incl., all;
   Sec. 16, E1/2, SW1/4,
   Sec. 20, E½,
Secs. 21 to 28 incl., all;
   Sec. 29, E½, E½NW¼, SW¼,
Sec. 30, S½SE¼,
Sec. 31, N½, N½SW¼, SE¼,
   Secs. 32 to 36 incl., all.
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The above area aggregates 20,250:48 acres.

FLOYD E. DOMINY, Acting Assistant Commissioner

[68233]

NOVEMBER 28, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

Portions of the released lands are school lands or have been patented. The following-described lands are vacant public domain:

GILA AND SALT RIVER MERIDIAN

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T. 9 S., R. 21 W.,
   Sec. 4, Lots 1, 2, 3, 4, 5½N½, SE¼,
Sec. 5, Lots 1, 2, 5½NE¼,
   Sec. 6, Lots 3, 4, 5, SE'4NW'4,
   Sec. 7, SE1/4,
   Sec. 8. SE1/4
   Sec. 9, NW¼,
Sec. 17, E½, SW¼, S½NW¼,
Sec. 18, Lots 1, 2, 3, 4, SE¼, E½W½, S½
      NE1/4.
T. 9 S., R. 22 W.,
   Sec. 10, SE¼,
Sec. 12, SE¼SW¼,
    Sec. 13;
   Sec. 14, S½, E½NE¼, SW¼NE¼,
Sec. 22, NE¼, E½SE¼, SW¼SE¼, SE¼
    Secs. 23, 24, 25, 26 and 27;
   Sec. 28, 5½, 26, 26 and 27,
Sec. 28, 5½,
Sec. 29, W½NE¼, SE¼SE¼, NE¼SW¼,
Sec. 30, S½SE¼,
Secs. 33, 34 and 35.
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The areas described aggregate 9,664.75 acres.

The restored lands are located on the Yuma Desert west of the Gila Mountains in southwestern Arizona. The topography in the southeastern portion of the area is quite rough and broken, becoming more level and open toward the north and west. The soil is principally sand of varying grades. Elevation ranges from about 200 to 375 feet above sea level, and vegetation consists of a sparse desert shrub association dommated by creosote bush. The climate is arid with approximately four inches of rain annually. None of the lands are considered suitable for agricultural development.

No application for the lands may be allowed under the homestead, desertland, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict,

and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747. 43 U.S. C. 279-284, as amended) presented prior to 10:00 a. m. on January 3, 1955, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that-hour and before 10:00 a. m. on April 3, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on April 3, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

 b. The lands have been open to applications and offers under the mineralleasing laws and to location for metalliferous minerals. They will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a.m. on April 3, 1956.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix. Arizona.

> EDWARD WOOZLEY. Director Bureau of Land Management.

[F. R. Doc. 55-9646; Filed, Dec. 1, 1955; 8:45 a. m.]

EXCHEQUER RESERVOIR PROJECT, CALIFORNIA

ORDER OF REVOCATION

FEBRUARY 24, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F R, 5004) I hereby revoke Departmental Order of November 16, 1932, in so far as said order affects the following described land: Provided, however That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land heremafter described:

MOUNT DIABLO MERIDIAN, CALIFORNIA

- T. 3 S., R. 15 E. Sec. 9, SE1/4 NE1/4 Sec. 35, SW¼SE¼. T. 3 S., R. 16 E., Sec. 5, S1/2SW1/4,

Sec. 6, Lots 5, 6, 7, NE%SW%, N%SE%, SE%SE%, Sec. 7, Lots 6, 7, 8, S%NE%, NE%NW%,

Sec. 8, Lot 4;

Sec. 17, Lots 6, 7, NW14NW14

Sec. 18, Lots 6, 7, NE¼, W½SE¼, Sec. 20, SE¼NE¼, Sec. 26, NW¼SW¼.

T. 4 S., R. 16 E., Sec. 21, NW!4NW!4. T. 3 S., R. 17 E., Sec. 31, Lots 11, 12, 13, 14, 15. T. 4 S., R. 17 E., Sec. 6, Lots 3, 4, 13.

The above area aggregates 1,524.83

E. G. NIELSEN, Acting Commissioner [1476664]

NOVEMBER 28, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are withdrawn for power site purposes and are, therefore, not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

> EDWARD WOOZLEY, Director, Bureau of Land Management.

[F. R. Doc. 55-9647; Filed, Dec. 1, 1955; 8:45 a. m.]

MISSOURI RIVER BASIN PROJECT, COLORADO ORDER OF REVOCATION

MAY 12, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937) I hereby revoke Departmental Order of December 22, 1949, in so far as said order affects the following described land; Provided, however, That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

SIXTH PRINCIPAL MERIDIAN, COLORADO T. 5 S., R. 44 W., Sec. 14, Lots 12 and 13,

The above area aggregates 43.78 acres.

G. W LINEWEAVER, Assistant Commissioner

[64708]

NOVEMBER 28, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The land is situated approximately six miles south of Idalia, Colorado. These lands are not suitable for crop production due to shallow, sandy soils, low average annual precipitation and lack of water for irrigation.

No application for the lands may be allowed under the homestead, desertland, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law,

the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those re-ferred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S. C. 279-284 as amended), presented prior to 10:00 a. m. on January 3, 1955, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on April 3, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on April 3, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

The lands have been open to applications and offers under the mineral-leasing laws and to location for metalliferous minerals. They will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a.m. on April 3, 1956.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

> EDWARD WOOZLEY. Director

Bureau of Land Management. [F. R. Doc. 55-9648; Filed, Dec. 1, 1955; 8:45 a. m.]

8862 NOTICES

Office of the Secretary

OUTER-CONTINENTAL SHELF' GULF OF MEXICO

ADDITIONAL AREAS PLATTED FOR LEASING PURPOSES

Pursuant to 43 CFR 201.3 (b) the Bureau of Land Management has prepared additional maps to supplement the existing leasing maps for those portions of the outer Continental Shelf known as the High Island area off Texas and the West Cameron area off Louisiana. The purpose of these maps is solely and exclusively to make the additional areas available for leasing. The additional areas will be designated as the High Island Area, East Addition, which is platted on Bureau of Land Management Map Texas 7-A, and the West Cameron Area, West Addition, which is platted on Bureau of Land Management Map Louisiana 1-A. Maps Louisiana 1-A and Texas 7-A will be available for public distribution at the Bureau of Land Management, Washington 25, D. C., or at the local office of the Bureau of Land Management, 608 Masonic Temple Building, New Orleans, Louisiana by December 5,

Because there is an apparent controversy as to the location of the line dividing the States of Louisiana and Texas the area within which that conflict can possibly exist is not platted at this time.

The Federal adoptions of the Texas and Louisiana platting systems extend seaward from the outermost limits of all zones of controversy between those States and they are separated by a line which extends C. 11° 30' E., true bearing, from a point at the center of the mouth of the Sabine River. The direction of this line was determined graphically in a position normal to the shore line by bisection of the angle of intersection, based upon the general direction of the shore for distances of 40 geographical miles east and west of the mouth of the Sabine River. The line so delineated is substantially equidistant from the shorelines to the full distance, if extended, to the limit of the outer Continental Shelf.

The line separating the two platting systems is solely for administrative use in leasing areas on the outer Continental Shelf. It is in no way to be construed as an executive determination or inference of the location of the boundary between the States of Louisiana and Texas and the method of tract designation used is intended to be and is an exception to the provisions of 43 CFR 201.3 by reason of the existing uncertainty respecting the position of that boundary nor is it intended as the projection of the States' boundaries which the President is required to determine under section 4 (a) (2) of the Outer Continental Shelf Lands Act for the purpose of fixing the areas for which the laws of Texas and the laws of Louisiana respectively are adopted and apply. This Department expressly disclaims any intent to determine or define either of these boundary lines.

> DOUGLAS McKAY. Secretary of the Interior

NOVEMBER 25, 1955.

[F. R. Doc. 55-9649; Filed, Dec. 1, 1955; 8:45 a. m.1

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

BURLEY TOBACCO MARKETING QUOTA REFERENDUM

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, national marketing quotas for burley tobacco for the marketing years beginning October 1, of 1956, 1957 and 1958. A referendum of farmers who were engaged in the production of the 1955 crop of burley tobacco will be held pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, and applicable regulations to determine whether such farmers are in favor of or opposed to burley tobacco marketing quotas for the next three succeeding marketing years beginning October 1, 1956.

Registration. The operator on each farm on which burley tobacco was produced in 1955 should inform a county or community committeeman of the names and addresses of all persons sharing in the proceeds of such crop in order that their names may be listed on the register of eligible voters. The eligibility to vote of any person may be challenged if his name is not recorded on the registration list.

Eligibility to vote. 1. All persons engaged in the production of the 1955 crop of burley tobacco are eligible to vote in the referendum. Any person who shares in the proceeds of the 1955 crop of burley tobacco as owner (other than a landlord of a standing-rent or fixed-rent tenant) tenant, or share cropper, is considered as engaged in the production of such crop of tobacco in 1955.

2. If several members of the same family participate in the production of the 1955 crop of burley tobacco on a farm, the only member or members of such family who shall be eligible to vote shall be the member or members of the family who have an independent bona fide status as operator, share tenant, or share cropper, and are entitled as such to share in the proceeds of the 1955

.3. No person shall be eligible to vote in any community other than the community in which he resides except as follows:

(a) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he was engaged in the production of burley tobacco m 1955.

(b) Any person who does not reside in or who will not be present in the county in which he engaged in the production

of burley tobacco in 1955 may obtain a ballot at the most conveniently located county committee office and may cast his ballot by signing his name thereto and mailing it so that the ballot reaches the county committee for the county in which he engaged in the production of tobacco in 1955 not later than the closing hour on the date of the referendum.

(c) Any person whose religious beliefs forbid his voting on the day of the referendum may, at any time within 5 days prior to-the date of the referendum, obtain one ballot form from the county office of the county in which he is eligible to vote and cast his ballot by signing his name thereto and leaving it (in a sealed envelope, marked "absentee bal-

lot") at the county office.

4. There shall be no voting by mail (except as provided in paragraph 3 above) by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity or a duly authorized member of a partnership, may cast its vote.

5. Persons who planted tobacco in the field in 1955 but did not harvest any tobacco on such acreage for any reason except neglect to farm the planted acreage shall be regarded as engaged in the production of tobacco in 1955 and therefore eligible to vote in the referendum. Any farmer who did not plant tobacco in the field shall not be eligible to vote.

6. No person (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in the referendum even though he may have been engaged in the production of tobacco on several farms in the same or in two or more communities, counties, or States in 1955.

7. In the event two or more persons were engaged in producing tobacco in 1955 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

Time and place for balloting. The burley tobacco marketing quota referendum will be held on Thursday, December 29, 1955. The place of voting and the hours which the polls will be open for voting in each community will be announced by the ASC County Committee.

Done at Washington, D. C., this 30th day of November, 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE, Acting Secretary of Agriculture.

[F. R. Doc. 55-9694; Filed, Nov. 80, 1955; 12:30 p. m.]

VIRGINIA SUN-CURED TOBACCO MARKETING QUOTA REFERENDUM

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, national marketing quotas for Virginia Sun-Cured tobacco for the marketing years beginning on October 1, of 1956, 1957 and 1958. A referendum of farmers who were engaged in the production of the 1955 crop of Virginia Sun-Cured tobacco will be held pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, and applicable regulations to determine whether such farmers are in favor of or opposed to Virginia Sun-Cured tobacco marketing quotas for the next three succeeding marketing years beginning October 1, 1956.

Registration. The operator on each farm on which Virginia Sun-Cured to-bacco was produced in 1955 should inform a county or community committeeman of the names and addresses of all persons sharing in the proceeds of such crop in order that their names may be listed on the register of eligible voters. The eligibility to vote of any person may be challenged if his name is not recorded on the registration list.

Eligibility to vote. 1. All persons engaged in the production of the 1955 crop of Virginia Sun-Cured tobacco are eligible to vote in the referendum. Any person who shares in the proceeds of the 1955-crop of Virginia Sun-Cured tobacco as owner (other than a landlord of a standing-rent or fixed-rent tenant) tenant, or sharecropper, is considered as engaged in the production of such crop of tobacco in 1955.

2. If several members of the same family participate in the production of the 1955 crop of Virginia Sun-Cured to-bacco on a farm, the only member or members of such family who shall be eligible to vote shall be the member or members of the family who have an independent bona fide status as operator, share tenant, or sharecropper, and are entitled as such to share in the proceeds of the 1955 crop.

3. No person shall be eligible to vote in any community other than the community in which he resides except as

follows:

- (a) Any person who resides in a community in which there is no polling placeshall be eligible to vote at the polling place designated for the community nearest to the community in which he was engaged in the production of Virginia Sun-Cured tobacco in 1955.
- (b) Any person who does not reside in or who will not be present in the county in which he engaged in the production of Virginia Sun-Cured tobacco in 1955 may obtain a ballot at the most conveniently located county committee office and may cast his ballot by signing his name thereto and mailing it so that the ballot reaches the county committee for the county in which he engaged in the production of tobacco in 1955 not later than the closing hour on the date of the referendum.
- (c) Any person whose religious beliefs forbid his voting on the day of the referendum may, at any time within 5 days prior to the date of the referendum, obtain one ballot form from the county office of the county in which he is eligible to vote and cast his ballot by signing his name thereto and leaving it (in a sealed envelope, marked "absentee ballot") at the county office.
- .4. There shall be no voting by mail (except as provided in par. 3 above) by

proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity or a duly authorized member of a partnership, may cast its vote.

- 5. Persons who planted tobacco in the field in 1955 but did not harvest any tobacco on such acreage for any reason except neglect to farm the planted acreage shall be regarded as engaged in the production of tobacco in 1955 and therefore eligible to vote in the referendum. Any farmer who did not plant tobacco in the field shall not be eligible to vote.
- 6. No person (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in the referendum even though he may have been engaged in the production of tobacco on several farms in the same or in two or more communities, counties, or States in 1955.

7. In the event two or more persons were engaged in producing tobacco in 1955 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

Time and place for balloting. The Virginia Sun-Cured tobacco marketing quota referendum will be held on Thursday, December 29, 1955. The place of voting and the hours which the polls will be open for voting in each community will be announced by the ASC County Committee.

Done at Washington, D. C., this 30th day of November, 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-9695; Filed, Nov. 30, 1955; 12:30 p. m.]

CIGAR FILLER (TYPE 41) TOBACCO MARKETING QUOTA REFERENDUM

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, national marketing quotas for Cigar-Filler tobacco for the marketing years beginning on October 1, of 1956, 1957 and 1958. A referendum of farmers who were engaged in the production of the 1955 crop of Cigar-Filler tobacco will be held pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, and applicable regulations to determine whether such farmers are in favor of or opposed to Cigar-Filler tobacco marketing quotas for the next three succeeding marketing years beginning October 1, 1956.

Registration. The operator on each farm on which Cigar-Filler tobacco was produced in 1955 should inform a county or community committeeman of the names and addresses of all persons sharing in the proceeds of such crop in order that their names may be listed on the register of eligible voters. The eligibility to vote of any person may be challenged if his name is not recorded on the registration list.

Eligibility to vote. 1. All persons engaged in the production of the 1955 crop of Clgar-Filler tobacco are eligible to vote in the referendum. Any person who shares in the proceeds of the 1955 crop of Clgar-Filler tobacco as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or share cropper, is considered as engaged in the, production of such crop of tobacco in 1955.

- 2. If several members of the same family participate in the production of the 1955 crop of Cigar-Filler tobacco on a farm, the only member or members-of such family who shall be eligible to vote shall be the member or members of the family who have an independent bona fide status as operator, share tenant, or share cropper, and are entitled as such to share in the proceeds of the 1955 crop.
- 3. No person shall be eligible to vote in any community other than the community in which he resides except as follows:
- (a) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he was engaged in the production of Cigar-Filler tobacco in 1955.
- (b) Any person who does not reside in or who will not be present in the county in which he engaged in the production of Cigar-Filler tobacco in 1955 may obtain a ballot at the most conveniently located county committee office and may cast his ballot by signing his name thereto and mailing it so that the ballot reaches the county committee for the county in which he engaged in the production of tobacco in 1955 not later than the closing hour on the date of the referendum.
- (c) Any person whose religious beliefs forbid his voting on the day of the referendum may, at any time within 5 days prior to the date of the referendum, obtain one ballot form from the county office of the county in which he is eligible to vote and cast his ballot by signing his name thereto and leaving it (in a sealed envelope, marked "absentee ballot") at the county office.
- 4. There shall be no voting by mail (except as provided in par. 3 above) by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity or a duly authorized member of a partnership, may cast its vote.
- 5. Persons who planted tobacco in the field in 1955 but did not harvest any tobacco on such acreage for any reason except neglect to farm the planted acreage shall be regarded as engaged in the production of tobacco in 1955 and therefore eligible to vote in the referendum. Any farmer who did not plant tobacco in the field shall not be eligible to vote.
- 6. No person (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in the referendum even though he may have been engaged in the production of tobacco on several farms in the same or in two or more communities, counties, or States in 1955.

7. In the event two or more persons nity in which he resides except as folwere engaged in producing tobacco in 1955 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to

Time and place for balloting. The Cigar-Filler tobacco marketing quota referendum will be held on Thursday, December 29, 1955. The place of voting and the hours which the polls will be open for voting in each community will be announced by the ASC County c Committee.

Done at Washington, D. C., this 30th day of November 1955. Witness my hand and the seal of the Department of Agriculture.

[SEALT.] TRUE D. MORSE, Acting Secretary of Agriculture.

[F. R. Doc. 55-9696; Filed, Nov. 30, 1955; 12:30 p. m.]

MARYLAND TOBACCO MARKETING QUOTA REFERENDUM

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938. as amended, national marketing quotas for Maryland tobacco for the marketing years beginning on October 1, of 1956, 1957 and 1958. A referendum of farmers who were engaged in the production of the 1955 crop of Maryland tobacco will be held pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, and applicable regulations to determine whether such farmers are in favor of or opposed to Maryland tobacco marketing quotas for the next three succeeding marketing years beginning October 1, 1956.

Registration. The operator on each farm on which Maryland tobacco was produced in 1955 should inform a county or community committeeman of the names and addresses of all persons sharing in the proceeds of such crop in order that their names may be listed on the register of eligible voters. The eligibility to vote of any person may be challenged if his name is not recorded on the registration list.

Eligibility to vote. 1. All persons engaged in the production of the 1955 crop of Maryland tobacco are eligible to vote in the referendum. Any person who shares in the proceeds of the 1955 crop of Maryland tobacco as owner (other than a landlord of a standing-rent or fixedrent tenant) tenant, or share cropper, is considered as engaged in the production of such crop of tobacco in 1955.

2. If several members of the same family participate in the production of the 1955 crop of Maryland tobacco on a farm, the only member or members of such family who shall be eligible to vote shall be the member or members of the family who have an independent bona fide status as operator, share tenant, or share cropper, and are entitled as such to share in the proceeds of the 1955 crop.

3. No person shall be eligible to vote in any community other than the commulows:

- (a) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he was engaged in the production of Maryland tobacco in 1955.
- (b) Any person who does not reside in or who will not be present in the county in which he engaged in the production of Maryland tobacco in 1955 may obtain a ballot at the most conveniently located county committee office and may cast his ballot by signing his name thereto and mailing it so that the ballot reaches the county committee for the county in which he engaged in the production of tobacco in 1955 not later than the closing hour on the date of the referendum.
- (c) Any person whose religious beliefs forbid his voting on the day of the referendum may, at any time within 5 days prior to the date of the referendum, obtain one ballot form from the county office of the county in which he is eligible to vote and cast his ballot by signing his name thereto and leaving it (in a sealed envelope, marked "absentee ballot") at the county office.
- 4. There shall be no voting by mail (except as provided in paragraph 3 above) by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity or a duly authorized member of a partnership, may cast its vote.
- 5. Persons who planted tobacco in the field in 1955 but did not harvest any tobacco on such acreage for any reason except neglect to farm the planted acreage shall be regarded as engaged in the production of tobacco in 1955 and therefore eligible to vote in the referendum. Any farmer who did not plant tobacco in the field shall not be eligible to vote.
- 6. No person (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in the referendum even though he may have been engaged in the production of tobacco on several farms in the same or in two or more communities, counties, or States in 1955.
- 7. In the event two or more persons were engaged in producing tobacco in 1955 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

Time and place for balloting. The Maryland tobacco marketing quota referendum will be held on Thursday, December 29, 1955. The place of voting and the hours which the polls will be open for voting in each community will be announced by the ASC County Committee.

Done at Washington, D. C., this 30th day of November, 1955. Witness my hand and the seal of the Department of Agriculture.

TRUE D. MORSE. Acting Secretary of Agriculture.

[F. R. Doc. 55-9697; Filed, Nov. 30, 1955; [F. R. Doc. 55-9650; Filed, Dec. 1, 1955; 12:30 p. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 451]

SPECIAL INDUSTRY COMMITTEE IN PUERTO Rico

NOTICE OF RESIGNATION AND APPOINTMENT

Hipolito Marcano of San Juan, Puerto Rico, having resigned as a representative of the employees on Special Industry Committees Nos. 18-C and 18-D for Puerto Rico, the Secretary of Labor, pursuant to authority under the Fair Labor Standards Act of 1938, as amended, (52 Stat. 1060, as amended; 29 U.S. C. 201 et seq.) hereby appoints Sara Claudio of San Juan, Puerto Rico, to serve in his stead as representative of the em-ployees on such Committees. The prior appointment of Hipolito Marcano to serve as employee representative on Special Industry Committees Nos. 18-A and 18-B is not affected by this order.

Signed at Washington, D. C., this 29th day of November 1955.

> JAMES P MITCHELL. Secretary of Labor

[F. R. Doc. 55-9665; Filed, Dec. 1, 1955; 8:47 a. m.1

FARM CREDIT ADMINIS-TRATION

[Farm Credit Administration Order 6401

COOPERATIVE BANK SERVICE

AUTHORITY AND ORDER OF PRECEDENCE OF CERTAIN OFFICERS TO ACT AS DIRECTOR

November 25, 1955.

- 1. B. F Viehmann, Deputy Director of Cooperative Bank Service is hereby authorized to execute and perform all fungtions, powers, authority, and duties pertaining to the office of Director of Cooperative Bank Service in the event that the Director is unavailable to act by reason of his absence or for any other cause.
- 2. Dorwin Scott, Treasurer, Central Bank for Cooperatives, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of the Director of Cooperative Bank Service in the event that the Director and Deputy Director Viehmann are unavailable to act by reason of absence or for any other cause.
- 3. R. C. Mahone, Cooperative Bank Coordinator, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of the Director of Cooperative Bank Service in the event that the Director, Deputy Director Viehmann, and Treasurer Scott are unavailable to act by reason of absence or for any other cause.
- 4. This order shall be effective during the period beginning on the day and date hereof and ending at the close of business on December 31, 1955, after which date it shall be of no effect.

5. FCA Order No. 583 is revoked.

R. B. TOOTELL, Governor. Farm Credit Administration.

8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9253 etc.]

MONTANA-DAKOTA UTILITIES CO. ET AL.

NOTICE OF APPLICATION, CONSOLIDATION OF PROCEEDINGS, AND DATE OF RESUMED HEARING

NOVEMBER 28, 1955.

In the matters of Montana-Dakota Utilities Co., Docket No. G-9253; Signal Oil and Gas Company, Docket No. G-9228; Amerada Petroleum Corporation, Docket No. G-9190.

Take notice that Amerada Petroleum Corporation (Amerada), a Delaware corporation with a principal office in Tulsa, Oklahoma, filed on August 1, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Amerada to make a proposed sale of natural gas in interstate commerce to Montana-Dakota Utilities Co., for resale, subject to the jurisdiction of the Commission, all as more fully represented in the application, on file with the Commission for public inspection. Amerada proposes to produce said natural gas from the Beaver Lodge, Tioga and Capa Fields, in Williams, Burke, Mountrail and McKinzie Counties, North Dakota, respectively.

Take further notice that (a) Montana-Dakota Utilities Co. (Montana-Dakota) a Delaware corporation with its principal place of business in Minneapolis, Minnesota, filed an application on August 23, 1955, and a supplement thereto on September 22, 1955, pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity, authorizing the construction and operation of (1) approximately 41.8 miles of 1234-inch O. D. natural-gas transmission pipeline extending from Tioga to Williston, North Dakota, (2) four lateral pipelines extending to Ray (8,000 feet of 3-inch) to Wheelock (2.100 feet of 2-inch) to Epping (1,000 feet of 2-inch) and to Springbrook (380 feet of 2-inch) all in North Dakota, and in which Montana-Dakota proposes to operate local distribution systems, and (3) authority to establish an emergency connection between the proposed Tioga-Williston interstate line, all as more fully described in the application and supplement on file with the Commission. Notice of said application has been duly published in the FEDERAL REGISTER on October 12, 1955 (20 F. R. 7619-20) and (b) Signal Oil and Gas Company (Signal) a Delaware corporation having its principal place of business in Los Angeles, California, filed an application on August 15, 1955, and a supplement thereto on August 26, 1955, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing Signal to sell natural gas to Montana-Dakota Utilities Co., asserted to be residue gas resulting from the processing of casing-head gas at its Tioga plant in Williams County, North Dakota, which will comprise 12.5 percent of the quantity of gas which Montana-Dakota may dispose of in Williston, North Dakota, and in Fairview, Sidney,

Savage and Glendive, Montana, plus 12.5 percent of the quantity of gas which can be transported through Montana-Dakota's present facilities from Williston, North Dakota, to its Baker, Montana, storage reservoir in excess of the quantity disposed of in the above-mentioned towns, provided such total quantity shall not be less than 1935 Mcf daily. Notice of said application has been duly published in the FEDERAL REGISTER on October 12, 1955 (20 F. R. 7619) Pursuant to notice, the matter came on for hearing on November 14, 1955, at which time, due to intervention and protest of the Public Service Commission of the State of North Dakota. the matter was recessed to reconvene subject to further order of the Commission or further notice of the Secretary of the Commis-

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations of the Commission, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, the Commission's rules of practice and procedure, and the order of the presiding examiner of November 14, 1955, recessing the hear-ing in Docket No. G-9228 until further order of the Commission or Secretary, hearings in the above proceedings will be held commencing December 19, 1955 at 10:00 a. m., e. s. t., in a hearing room, of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented therein.

Protests or petitions to intervene in Docket No. G-9190 may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 9, 1955.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 55-9651; Filed, Dec. 1, 1955; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7517]

QUEEN CHARLOTTE AIRLINES, LTD.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Queen Charlotte Airlines Ltd. for an extension of foreign air carrier permit dated November 20, 1952, issued pursuant to section 402 of the Civil Aeronautics Act to perform operations of a regular nature between the terminal point Ketchikan, Alaska and the terminal Prince Rupert, British Columbia.

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on December 13, 1955, at 10:00 a.m., e. s. t., m Room 2507, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., November 29, 1955.

[SEAL]

FRANCIS W. BROWN, Chief Examiner.

[F. R. Doc. 55-9667; Filed, Dec. 1, 1955; 8:48 a.m.]

[Docket No. 7518]

AIR AMBULANCE SERVICE

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Air Ambulance Service, Department of Public Health, Government of Saskatchewan, for renewal of the foreign air carrier permit issued pursuant to section 402 of the Civil Aeronautics Act, to perform operations of a casual, occasional or infrequent nature, in common carriage, into the United States.

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on December 13, 1955, at 10:30 a. m., e. s. t., in Room 2507, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., November 29, 1955.

[SEAL]

Francis W. Brown, Chief Examiner.

[F. R. Doc. 55-9668; Filed, Dec. 1, 1955; 8:48 a.m.]

[Dccket No. 5701 et al.]

FLORIDA-TENAS SERVICE CASE

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given that the hearing in the above-entitled proceeding assigned for December 6, 1955, is postponed to January 10, 1956, at 10:00 a. m., in room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., November 28, 1955.

[SEAL]

FRANCIS W. BROWN, Chief Examiner.

[F. R. Doc. 55-9869; Filed, Dec. 1, 1955; 8:48 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL ADMINISTRATORS

DELEGATION OF AUTHORITY WITH RESPECT TO ADVANCES FOR PUBLIC WORKS PLAN-NING

1. Each Regional Administrator of the Housing and Home Finance Agency is hereby authorized to take the following actions, on behalf of the Housing and Home Finance Administrator, in connection with advances for public works planning authorized under section 702

8866 **NOTICES**

of the Housing Act of 1954 (68 Stat. 641), as amended by section 112 of the Housing Amendments of 1955 (69 Stat. 641), 40 U.S.C. 462:

(a) Execute offers to public agencies for planning projects in amounts approved by the Community Facilities Commissioner .

(b) Amend or modify contracts resulting from acceptance of offers under subparagraph (a) above (except that any amendment or modification involving a substantial increase in the scope of a project or an increase in the amount of the Government advance shall not be executed until the prior approval thereof has been obtained from the Community Facilities Commissioner)

(c) Approve the planning data submitted by public agencies in accordance with contracts resulting from acceptance of offers under subparagraphs (a) or (b) above;

(d) Authorize payments under any contracts resulting from acceptance of offers under subparagraphs (a) or (b) above; and

(e) Redelegate to such officers or employees as he may select any of the authorities delegated in subparagraphs (c) and (d) above.

2. This delegation of authority supersedes the delegation to the Regional Representatives effective December 23, 1954 (19 F. R. 8830)

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C., 1952 ed. 1701c)

1955.

ALBERT M. COLE, Housing and Home Finance Administrator

[F. R. Doc. 55-9664; Filed, Dec. 1, 1955; 8:48 a. m.]

SECURITIES AND EXCHANGE. COMMISSION

[File No. 70-3424]

AMERICAN GAS AND ELECTRIC CO.

ORDER PERMITTING EFFECTIVENESS TO DECLA-RATION IN RESPECT OF PROPOSED COMMON STOCK DIVIDEND

NOVEMBER 28, 1955.

American Gas and Electric Company ("American Gas"), a registered holding company, having filed with this Commission a declaration with an amendment thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") regarding certain proposed transactions which are summarized as follows:

On October 26, 1955, the Board of Directors of American Gas, in addition to declaring a regular quarterly cash dividend of 50 cents per share to the holders of its \$5 par value common stock, also declared a stock dividend at the rate of one share for each fifty shares of \$5 par value common stock outstanding. This stock dividend is to be payable on January 10, 1956, to holders of record on December 9, 1955 (except upon shares held by nominees of American Gas for the exchange of Scrip Certificates representing fractional shares)

No fractional shares of common stock of American Gas are to be issued in connection with the stock dividend. American Gas proposes in lieu thereof to mail, on January 10, 1956, to each stockholder of record on December 9, 1955, who would otherwise be entitled to a fractional share, a letter advising such holder that arrangements have been made with Guaranty Trust Company of New York, Agent, pursuant to which such holder will be entitled during a period of 24 days, to instruct the Agent to take either of the following courses of action with respect to the fractional interest to which such holder would otherwise be entitled: (1) to consolidate such fractional interest into one full share of common stock upon payment by such holder to the Agent of the cost of the additional fractional interest required to effect such consolidation, or (2) to sell such fractional interest on behalf of such holder. The communication so mailed will further advise that if the Agent shall not have received instructions from such holder prior to the expiration of such period the fractional interest to which such holder would otherwise be entitled will be sold for the account of such holder. The Agent will be authorized to execute consolidation and sale requests received from time to time by matching the same upon the basis of the currently prevailing market price of shares of common stock of American Gas, as determined by the Agent in its discretion.

In the eyent that, at the expiration of the 24-day period, the Agent shall have Effective as of the 2d day of December (received requests for consolidation calling for an aggregate number of shares of common stock of American Gas greater than the aggregate number of shares of common stock represented by all fractional interests, the Agent will acquire the necessary additional shares of common stock by purchases on the New York Stock Exchange or otherwise. In the event that, at the expiration of the period, after giving effect to all requests for consolidation and sale of fractional interests, there shall remain any of the aggregate number of shares of common stock represented by all fractional interests, the Agent will sell the balance upon the New York Stock Exchange or otherwise. Cash proceeds received by the Agent in respect of fractional interests which are sold will be remitted to the holders of shares of common stock of American Gas entitled thereto.

Interest in a fractional share will not entitle a stockholder to dividends or any other rights of a stockholder of American Gas with respect to such fractional interest.

The services of the Agent will be rendered without charge to stockholders effecting consolidations and dispositions of fractional interests.

The proposed common stock dividend will result in the issuance of an estimated 257,050 shares of \$5 par value common stock. American Gas proposes to record the issuance by debiting its earned surplus with an assigned value of \$45 per share, or an aggregate of \$11,567,250, and by crediting its common stock capital account with the par value of \$5 per share or a total of \$1,285,250, and its Capital Surplus-Premium on Common Stock ac-

count with \$40 per share, or a total of \$10,282,000. At September 30, 1955, the earned surplus of American Gas amounted to \$84,459,899.

American Gas proposes to pay the following estimated fees and expenses in connection with the proposed common stock dividend:

Federal issuance stamp taxes	\$4,000.00
Federal New York State transfer taxes	1,200.00
New York Stock Exchange initial listing fee	660.00
Legal fees of Simpson Thacher & Bartlett, Counsel to American	
GasPrinting Form U-1. Stock Ex-	8,000.00
change Listing Application, let-	
ters of transmittal, fractional interest forms, etc.	2,000.00
Printing and engraving stock cer- tificates	6, 600, 00
Fee of Guaranty Trust Co. of New	0,000100
York as Agent for dividend dis- tribution	
Registrar fees—Irving Trust Co Mailing and postage	8, 250, 00 8, 300, 00
Miscellaneous expense	2,700.00
Total	01.700.00

Notice of the filing of said declaration having been duly given in the manner prescribed by Rule U-23 and no hearing having been ordered by or requested of the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied and that there is no reason to make any adverse findings or to impose special conditions; that the fees and expenses set forth above are not unreasonable; and that the declaration as amended should be granted and permitted to become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be and the same hereby is permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 55-9653; Filed, Dec. 1, 1955; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[List S-7-1]

ELECTRON TUBES AND COMPONENT PARTS SUSPENSION OF ACTION ON COMPLAINT

NOVEMBER 21, 1955.

On November 16, 1955, the Tariff Commission suspended action on the complaint under section 337 of the Tariff Act of 1930 filed by Eitel-McCullough, Inc., San Bruno, California, alleging unfair methods of competition and unfair acts in the importation and sale in the United States of certain foreign electron tubes and component parts thereof. Notice of receipt of the complaint was issued by the Commission on July 22, 1955 (20 F R. 5378)

The suspension of action on this complaint will continue until a final decision is rendered in the proceeding in the United States District Court for the District of Maryland, Civil Action No. 8348, Eitel-McCullough, Incorporated v. Wholesale Radio Parts Company, Incorporated, and Amperex Electronic Corporation.

I certify that the above action was taken by the United States Tariff Commission on November 16, 1955.

DONN N. BENT. Secretary.

[F. R. Doc. 55-9660; Filed, Dec. 1, 1955; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 29, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

LONG-AND-SHORT HAUL

FSA No. 31366: Scrap won or steel-Louisville, Ky., to Huntington, W Va. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on iron or steel scrap (not copper clad) having value for remelting purposes only, carloads from Louisville, Ky., to Huntington, W. Va.

Grounds for relief: Competition of carriers by water and circuity.

Tariff: Supplement 33 to Agent Hinsch's I. C. C. 4251.

FSA No. 31367: Liquefied petroleum gas-Minnesota to western points. Filed by W J. Prueter, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from Minneapolis, St. Paul, Minnesota Transfer, Fordson, Refinery Spru, Roseport and St. Paul Park, Minn., to specified points ın Iowa, Michigan (upper peninsula) South Dakota, and Wisconsin.

Grounds for relief: Carrier competition and circuity.

Tariffs: Supplement 16 to C. G. W. Ry. tariff I. C. C. No. 5616 and four other tariffs.

FSA No. 31368: Paper and paper articles-Red Rock, Ont., to U.S. points. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on Newsprint paper and ground wood papers, carloads from Red Rock, Ont., Canada, to specified points in Illinois, Iowa, Missouri, and Wisconsin.

Grounds for relief: Circuitous routes. Tariffs: Supplement 19 to Canadian National Rys. I. C. C. E. 501, Supplement 29 to Canadian Pacific Ry. Co. I. C. C. and after adequate provision for taxes E. 2597.

FSA No. 31369: Potatoes-Maine and Claimant, Claim No., Property, and Location Canada to New Jersey and Pennsylvania. Filed by C. W. Boin and O. E. Swenson, Agents, for interested rail carriers. Rates on potatoes (white), carloads from specified points in Maine and the Province of New Brunswick, Canada to specified points in New Jersey and Pennsylvania.

Grounds for relief: Circuitous routes. Tariff: Supplement 31 to Agent Swenson's I. C. C. 611.

By the Commission.

[SEAL]

HAROLD D. McCox. Secretary.

[F. R. Doc. 55-9652; Filed, Dec. 1, 1955; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ELVIRA TAFIIRI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Elvira Tafuri, Paternopoli, Avellino, Italy, Claim No. 57675, Vesting Order No. 2214; \$16.17 in the Treasury of the United States.

Executed at Washington, D. C., on November 25, 1955.

For the Attorney General.

[SEAL]

PAUL V. MYRON. Deputy Director, Office of Alien Property.

[F. R. Doc. 55-9657; Filed, Dec. 1, 1955; 8:46 a. m.]

Dr. Ludwig A. Weitmann

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section. 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and conservatory expenses:

Dr. Ludwig A. Weltmann, Flemingstrasse 15, Muenchen 27, Germany, Claim No. 63044, Vesting Order No. 17937; \$485.00 in the Treasury of the United States.

Executed at Washington, D. C., on November 25, 1955.

For the Attorney General.

[SEAL]

PAUL V. MYRON. Deputy Director Office of Alien Property.

[P. R. Doc. 55-9658; Filed, Dec. 1, 1955; 8:47 a. m.]

[Vesting Order 5765, Amdt.]

FRIEDERIKE FRANCO

In re: Estate of Friederike Franco, also known as Frieda Franco, Mrs. Freda Franco, Mrs. Friederike Franco, and Friederike Hagenbuch, deceased. File D-28-8190; E. T. sec. 9172.

Vesting Order No. 5765, dated January 31, 1946, is hereby amended by inserting in the first subparagraph thereof, immediately following the name and words "Mrs. Pauline Schack and surviving issue," the following: "the domiciliary personal representatives, heirs, next of kin, legatees and distributees of Karl Hagenbuch, deceased, some of whom are unknown, including but not limited to Mrs. Martha Hagenbuch, nee Dankoff, and Kurt Hagenbuch," and by inserting after the words "Nationals: Last known address:" the following "The domiciliary personal representatives, heirs, next of kin, legatees and distributees of Karl Hagenbuch, deceased, some of whom are unknown, including but not limited to Mrs. Martha Hagenbuch, nee Dankhoff, and Kurt Hagenbuch: Germany"

All other provisions of said Vesting Order 5765 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof, are hereby ratified and confirmed.

(40 Stat. 411, 50 U.S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. Sup. 616; Pub. Law 322, 79th Cong., 60 Stat. 50; Public 671, 79th Cong.; 60 Stat. 925; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Sup., E. O. 9567, June 8, 1945, 10 P. R. 6917, 3 CFR 1945, Supp.; E. O. 9783, October 14, 1946, 11 F. R. 11931)

Executed at Washington, D. C., on'November 28, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 55-9656; Filed, Dec. 1, 1955; 8:46 a.m.]